



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON DELEGATED LEGISLATION

FOR THE

FIFTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY

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REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION FOR THE FIFTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY

1 MEMBERSHIP OF THE COMMITTEE

The Committee consisted of Mr A B Malama, MP (Chairperson); Ms C C Kasanda, MP (Vice Chairperson); Mr O S Mutaba, MP; Mr A Mandumbwa, MP; Mr M Mubika, MP; Mr B Kambita, MP; Mr S Miti, MP; Mr J Siwale, MP; Mr R C Mutale, MP; and Mr J Chishala, MP

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Sir

The Committee has the honour to present its Report for the Fifth Session of the Twelfth National Assembly.

2 FUNCTIONS OF THE COMMITTEE

The functions of the Committee are set out in Standing Order No. 154 of the *National Assembly Standing Orders, 2016*.

3 MEETINGS OF THE COMMITTEE

The Committee held ten meetings during the period under review and considered a total of sixty nine Statutory Instruments.

4 ARRANGEMENT OF THE REPORT

The Committee's Report is in two parts. The first part highlights the Statutory Instruments which were considered by the Committee while the second part consists of the review of the Action-Taken Report on the Report of the Committee for the Fourth Session of the Twelfth National Assembly.

5 PROCEDURE ADOPTED BY THE COMMITTEE

The Committee received and considered written explanatory memoranda on various Statutory Instruments submitted by various Government ministries and agencies.

PART I

CONSIDERATION OF STATUTORY INSTRUMENTS

1. Electoral Commission of Zambia (ECZ)

1.1. Statutory Instrument No. 2 of 2020 - The National Assembly By-Election (Chilubi Constituency No.095) (Election Date and Time of Poll) Order, 2020

The Statutory Instrument was issued pursuant to Article 57(3) of the *Constitution of Zambia* and regulation 15(1) of the *Electoral Process (General) Regulations, 2016*. The objective of

the Statutory Instrument was to stipulate date and time of poll in respect of the Chilubi Constituency by election, as outlined in the schedule to the Statutory Instrument.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

1.2. Statutory Instrument No. 3 of 2020 - The Electoral Process (Local Government By-Elections) (Election Date and Time of Poll) Order, 2020

The Statutory Instrument was issued pursuant to section 125 of the *Electoral Process Act, No. 35 of 2016*. The objective of this Statutory Instrument was to stipulate the dates and times of polls in respect of local government by elections in the District and Wards contained in the schedule to the Statutory Instrument.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

1.3. Statutory Instrument No. 4 of 2020 - The Electoral Process (Local Government By-Elections) (Election Date and Time of Poll) (No.2) Order, 2020

The Statutory Instrument was issued pursuant to section 125 of the *Electoral Process Act, No. 35 of 2016*. The objective of this Statutory Instrument was to stipulate the dates and times of polls in respect of local government by elections in the districts and wards contained in the schedule to the Statutory Instrument.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

1.4. Statutory Instrument No. 23 of 2020 - The Electoral Process (Local Government By-Elections) (Election Date and Time of Poll) (No. 3) Order, 2020

The Statutory Instrument was issued pursuant to section 125 of the *Electoral Process Act, No. 35 of 2016*. The objective of this Statutory Instrument was to stipulate the dates and times of polls in respect of local government by elections in the districts and wards contained in the schedule to the Statutory Instrument.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

1.5. Statutory Instrument No. 35 of 2020 - The Electoral Process (Code of conduct) (Enforcement) (Amendment) Regulations, 2020

The Statutory Instrument was issued pursuant to section 125 of the *Electoral Process Act, No. 35 of 2016*. The objective of this Statutory Instrument was to stipulate regulations for

handling of urgent complaints or allegations relating to electoral disputes by the Commission and also provide for the disqualification of a candidate or political party from an election if found to be in breach of the Electoral Code of Conduct. These regulations were an amendment to the principal regulations contained in *the Electoral Process (Code of conduct) (Enforcement) Regulations of 2016*.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

1.6. Statutory Instrument No. 43 of 2020 - The Electoral Process (Local Government By-Elections) (Election Date and Time of Poll) (No.4) Order, 2020

The Statutory Instrument was issued pursuant to section 125 of the *Electoral Process Act, No. 35 of 2016*. The objective of this Statutory Instrument was to stipulate the dates and times of polls in respect of local government by elections in the districts and wards contained in the schedule to the Statutory Instrument.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

1.7. Statutory Instrument No. 61 of 2020 - The Electoral Process (Local Government By-Elections) (Election Date and Time of Poll) (No 5) Order, 2020

The Statutory Instrument was issued pursuant to section 125 of the *Electoral Process Act, No. 35 of 2016*. The objective of this Statutory Instrument was to stipulate the dates and times of polls in respect of local government by elections in the districts and wards contained in the schedule to the Statutory Instrument.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

1.8. Statutory Instrument No. 63 of 2020 - The Electoral Process (Local Government By-Elections) (Election Date and Time of Poll) (No.6) Order, 2020

The Statutory Instrument was issued pursuant to section 125 of the *Electoral Process Act, No. 35 of 2016*. The objective of this Statutory Instrument was to stipulate the dates and times of polls in respect of local government by elections in the districts and wards contained in the schedule to the Statutory Instrument.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

1.9. Statutory Instrument No. 70 of 2020 - The National Assembly By Elections (Mwansabombwe Constituency No. 65 and Lukashya Constituency No. 98) (Election Date and Time of Poll) Order, 2020

The Statutory Instrument was issued pursuant to Article 57(3) of the *Constitution of Zambia* and regulation 15(1) of the *Electoral Process (General) Regulations, 2016*. The objective of this Statutory Instrument was to stipulate the date and time of poll in respect of Mwansabombwe and Lukashya Constituencies by elections as indicated in the schedule to the Statutory Instrument.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

1.10. Statutory Instrument No. 71 of 2020 - The Electoral Process (Local Government By-Elections) (Election Date and Time of Poll) (No.7) Order, 2020

The Statutory Instrument was issued pursuant to section 125 of the *Electoral Process Act, No. 35 of 2016*. The objective of this Statutory Instrument was to stipulate the dates and times of polls in respect of local government by elections in the districts and wards contained in the schedule to the Statutory Instrument.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2. MINISTRY OF FINANCE

2.1. Statutory Instrument No. 10 of 2020 - The Income Tax (Consultancy Services for Lobito Corridor Trade Facilitation Project) (Approval and Exemption) Order, 2020

The Statutory Instrument was issued pursuant to section 15 of the *Income Tax Act, Chapter 323 of the Laws of Zambia* so as to exempt the payment for consultancy services for the Lobito Trade Facilitation Project from withholding tax. The exemption was necessary to affect the payment with regard to consultancy services for the Project.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.2. Statutory Instrument No. 11 of 2020 - The Income Tax (Royal Haskonong DHV (PTY) Limited) (Approval and Exemption) Order, 2020

The Statutory Instrument was issued pursuant to section 15 of the *Income Tax Act, Chapter 323 of the Laws of Zambia* so as to exempt Royal Haskonong DHV (pty) Limited from income tax with respect to the income earned on Solwezi Water and Sanitation project, which

was financed by a grant from the Dutch Government. The exemption acted as the Zambian Government's counterpart funding.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.3. Statutory Instrument No. 17 of 2020 - The Customs and Excise Act (Suspension) (Fuel) Regulations, 2020

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to suspend customs duty on diesel (152,000 m³) and petrol (67,000 m³) imported by twenty-one oil marketing companies, for a period of ninety days from 14th January, 2020 to 13th April, 2020. This was intended to ensure security of supply for petroleum products in the country during the ninety day period of the shutdown of Indeni Oil Company.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.4. Statutory Instrument No. 20 of 2020 - The Customs and Excise Act (Suspension) (Copper Ores and Concentrates) Regulations, 2020

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to suspend the export duty on copper ores and concentrates of HS heading 2603.00.00 when exported by Lumwana Mining Company Limited (27, 000 mt) and Chambishi Copper Smelter Limited (60, 000 mt). The Statutory Instrument was promulgated to be in operation from 4th March, 2020 to 30th June, 2020.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.5. Statutory Instrument No. 27 of 2020 - The Income Tax (Remission) (Ndola Lime Company Limited) Order, 2020

The Statutory Instrument was issued pursuant to section 15 of the *Income Tax Act, Chapter 323 of the laws of Zambia* so as to remit the income tax payable under the Income Tax Act by Ndola Lime Company Limited as follows:

PAYE	K54,917,495.57
Withholding tax	K9,992,900.79
Company income tax	K1,543,937.70
TOTAL	K66,454,334.06

The above was intended to provide relief to companies in view of the negative effects of the COVID-19 pandemic.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.6. Statutory Instrument No. 28 of 2020 - The Mines and Minerals Development (Remission) (Ndola Lime Company Limited) Regulations, 2020

The Statutory Instrument was issued pursuant to section 93 of the *Mines and Minerals Development Act, 2015*, so as to grant remission on the mineral royalty payable under the Mines and Minerals Development Act, by Ndola Lime Company Limited. The total amount remitted was **K39, 041,885.99**. This was intended to provide relief to companies in view of the negative effects of the COVID-19 pandemic.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.7. Statutory Instrument No. 29 of 2020 - The Value Added Tax (Zero-Rating) (Amendment) Order, 2020

The Statutory Instrument was issued pursuant to sections 15 and 51 of the *Value Added Tax Act, Chapter 331 of the Laws of Zambia* so as to zero-rate the principal on leasing finance for agricultural equipment and accessories that are zero-rated for VAT purposes.

The Committee was informed that previously, the agricultural equipment and accessories were zero rated for VAT purposes only if the transaction was an outright sale. If the equipment was sold on lease terms, the standard 16 percent VAT was applicable on the transaction. This disadvantaged farmers and hindered mechanisation of the agriculture sector.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.8. Statutory Instrument No. 30 of 2020 - The Value Added Tax (Exemption) (Amendment) Order, 2020

The Statutory Instrument was issued pursuant to sections 15 and 51 of the *Value Added Tax Act; Chapter 331 of the Laws of Zambia* so as to amend the schedule to the principal order contained in Statutory Instrument No. 68 of 2014. The effect of the amendment was to exempt the principal amount from VAT in the provision of credit.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.9. Statutory Instrument No. 31 of 2020 - The Banking and Financial Services (Classification and Provisioning of Loans) (Revocation) Order, 2020

The Statutory Instrument was issued pursuant to section 169 of the *Banking and Financial Services Act, No 7 of 2017* in order to revoke *Statutory Instrument No. 142 of 1996 - The Banking and Financial Services (Classification and Provisioning of Loans) Regulations, 1996*, which regulated the classification and provisioning of loans under the Banking and Financial Services Act. The revocation paved way for issuance of updated directives on classification and provisioning of loans by the Bank of Zambia as permitted by the provisions of the Banking and Financial Services Act.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.10. Statutory Instrument No. 32 of 2020 - The Millennium Challenge Compact Act (Commencement) Order, 2020

The Statutory Instrument was issued in order to retrospectively operationalise the *Millennium Challenge Compact Act, No 6 of 2013* in line with the provisions of Section 1 of the Act.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.11. Statutory Instrument No. 33 of 2020 - The Value Added Tax (Electronic Fiscal Devices) Regulations, 2020

The Statutory Instrument was issued pursuant to section 51 of the *Value Added Tax Act, Chapter 331 of the Laws of Zambia* so as to prescribe guidelines for the fiscalised recording of transactions and use of Electronic Fiscal Devices (EFDs) following the *Value Added Tax (Amendment) Act, 2019* which made it mandatory for VAT registered taxpayers to use EFDs.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.12. Statutory Instrument No. 36 of 2020 - The Value Added Tax (Zero Rating) (Amendment) Order, 2020

The Statutory Instrument was issued pursuant to sections 18 and 51 of the *Value Added Tax Act, Chapter 331 of the Laws of Zambia* so as to remove provisions relating to claim of VAT on imported spare parts, lubricants and stationary to ease pressure on companies and assist businesses to manage their cash flows during the COVID 19 pandemic.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.13. *Statutory Instrument No. 37 of 2020 - The Value Added Tax (Zero Rating) (Amendment) Order, 2020*

The Statutory Instrument was issued pursuant to sections 15 of the *Value Added Tax Act, Chapter 331 of the Laws of Zambia* so as to zero-rate VAT on medical supplies for use in the fight against the novel COVID-19. This Statutory Instrument was expired on 30th September, 2020 and extended for another six months until 31st March, 2021.

Committee's Observations and Recommendations

While noting the issuance of the Statutory Instrument, the Committee observes that the COVID-19 pandemic is still persisting and therefore, recommends that the Statutory Instrument should not have a revocation date, but should remain in force until the pandemic had completely been eradicated.

2.14. *Statutory Instrument No. 38 of 2020 - The Customs and Excise (Raw Hides and Skins) (Export Duty) (Suspension) Order, 2020*

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to suspend the export duty on raw hides and skins. This measure was part of the COVID-19 relief measures.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.15. *Statutory Instrument No. 39 of 2020 - The Customs and Excise (Copper Ores and Concentrates) (Import Duty) (Suspension) Order, 2020*

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to suspend import duty on copper ores and concentrates. This measure was part of the COVID-19 relief measures.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.16. *Statutory Instrument No. 40 of 2020 - The Customs and Excise (Precious Metals) (Export Duty) (Suspension) Order, 2020*

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to suspend export duty on precious metals. This measure was part of the COVID-19 relief measures.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.17. *Statutory Instrument No. 41 of 2020 - The Customs and Excise (Ethyl Alcohol) (Refunds, Rebates and Remissions) Regulations, 2020*

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to remove duty (customs, excise and surtax) on ethanol for use in alcohol based sanitizers and other medicine related activities. This measure was part of the COVID-19 relief measures.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.18. *Statutory Instrument No. 42 of 2020 - The Customs and Excise (Customs Duty) (Suspension) (Medical Supplies) Regulations, 2020*

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to suspend customs duty on medical supplies for use in the fight against the novel Covid-19.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.19. *Statutory Instrument No. 44 of 2020 - The Loans and Guarantees (Maximum Amounts) (Amendment) Order, 2020*

The Statutory Instrument was issued pursuant to section 26 of the *Loans and Guarantees (Authorisation) Act, Chapter 366 of the Laws of Zambia*. The objective of the Statutory Instrument was to increase the borrowing limits for public debt. In particular, Government had to avoid being in breach on the external debt ceiling mainly arising from the depreciation of the Kwacha against the United States Dollar, which amounted to 17.6 percent depreciation in 2019 and a projected 60 percent depreciation in 2020. The historical and continued depreciation of the Kwacha resulted in the nominal increases in the stock of the Kwacha equivalent public external debt.

The need to increase the borrowing limits was driven by the need to facilitate the raising of domestic and external financing to implement the national budget and that financing of the national Budget through tax and non-tax revenues was usually complemented by borrowing and using available grants from cooperating partners.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.20. *Statutory Instrument No. 49 of 2020 - The Customs and Excise (Remissions) (Medland Health Services Limited) Regulations, 2020*

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to suspend customs duty on importations made for

the construction of the Medland Health Services Limited Hospital. The Statutory Instrument covered importations for the period 1st January 2018 to 31st January 2020.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling law.

2.21. Statutory Instrument No. 59 of 2020 - The Customs and Excise Act (Suspension) (Copper Ores and Concentrates) (No. 3) Regulations, 2020

The Statutory Instrument was issued pursuant to section 89 of *the Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to suspend the export duty on copper ores and concentrates of HS heading 2603.00.00 when exported by Nordic Mineral Traders Limited (25, 000 mt), Black Fire Mining Limited (25, 000 mt) and Konkola Copper Mines Plc (30, 000 mt). The Statutory Instrument was promulgated to be in operation from 1st June 2020 to 30th September 2020 in order to provide relief to companies, in view of the negative effects of covid-19 pandemic.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

2.22. Statutory Instrument No. 60 of 2020 - The Customs and Excise (Aquaculture) (Suspension) Regulations, 2020

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to suspend the customs duty on various aquaculture equipment for a period of three years from 2020. This was intended to support the growth of aquaculture in the country.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

3. MINISTRY OF TRANSPORT AND COMMUNICATION

3.1. Statutory Instrument No. 6 of 2020 - The Information and Communication Technologies (Access) (Amendment) Regulations, 2020

The Statutory Instrument was issued pursuant to section 91 of the *Information and Communication Technologies Act, No. 15 of 2009* so as to improve co-location mechanisms which should result in faster and possibly cheaper infrastructure and service roll out by mobile network operators, broadcasters, radio stations and any other stakeholders requiring passive infrastructure.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

3.2. Statutory Instrument No. 7 of 2020 - The Road Traffic (Speed Limits) Regulations, 2020

The Committee was informed that pursuant to Section 148 (1) of *the Road Traffic Act No. 11 of 2002*, the Minister of Transport and Communications had issued this Statutory Instrument which revoked and replaced Statutory Instrument No. 90 of 2016 and provided for general speed limits for Zambian Roads.

Committee's Observations and Recommendations

While noting the issuance of the Statutory Instrument, the Committee observes that the speed limit road signage has not been changed to reflect the new changes in the law. This has resulted in unsuspecting motorists being penalised by road traffic officers for purportedly exceeding speed limits when in fact not. The committee therefore, recommends that the Road Transport and Safety Agency (RTSA) should ensure that appropriate speed limit signage is installed, especially on the main highways.

3.3. Statutory Instrument No. 45 of 2020 - The Road Traffic (Disposal of impounded Motor Vehicles) (Amendment) Regulations, 2020

The Statutory Instrument was issued pursuant to section 233 of the *Road Traffic Act No. 11 of 2002* so as to amend Statutory Instrument No. 91 of 2016 by introducing a requirement for the Road Transport and Safety Agency or Zambia Police Service to apply to Court for an order to dispose of an impounded motor vehicle if the owner does not collect the vehicle within thirty days from the date of publication of the notice for the disposal of the vehicle. Part of the process of disposing of impounded vehicles was that RTSA or Zambia Police Service should advertise the notice of intention to do so, in the Gazette and a daily newspaper of general circulation.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation. However, the Committee reiterates its concern that the period fixed for disposal of impounded motor vehicles (thirty days), was too short. The Committee is of the view that offences and circumstances for impounding vehicles differed from case to case and therefore, motor vehicle owners should be given ample notice and the right to be heard before disposal of their motor vehicles.

3.4. Statutory Instrument No. 46 of 2020 - The Road Traffic (Public Service Vehicle) (Amendment) Regulations, 2020

The Statutory Instrument was issued pursuant to section 233 of the *Road Traffic Act No. 11 of 2002*, so as to amend regulation 5 (2) of Statutory Instrument No 63 of 2013, by prohibiting issuance of road service licences if the vehicle proposed to be used as a taxicab was a tricycle or a motorcycle.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

3.5. Statutory Instrument No. 47 of 2020 - The Postal Services (General) (Amendment) Regulations, 2020

The Statutory Instrument was issued pursuant to section 94 of the *Postal Services Act, No. 22 of 2009* so as to revise the licensing fees for all postal and courier operators in the country. The Committee was informed that the change would ensure that the Government continued to receive revenue from postal and courier operators while at the same time continue to grow the postal sector in Zambia.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

3.6. Statutory Instrument No. 50 of 2020 - The Road Traffic (Driving License) Regulations, 2020

The Statutory Instrument was issued pursuant to section 233 of the *Road Traffic Act No. 11 of 2002*, to among others; enhance the areas of examination for theory tests for drivers and extend the validity period for Public Service Vehicles (PSV) endorsements from one year to three years coupled with an increase in the applicable fee from K129.9 to K199.8 in order to compensate for the likely revenue loss that would arise.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

4. MINISTRY OF LANDS AND NATURAL RESOURCES

4.1. Statutory Instrument No. 12 of 2020 - The National Forest No. F320: Mpande Hills (Alteration of Boundaries) Order, 2020

Mpande local Forest No. P320 was gazetted in 1973 through Statutory Instrument No. 51 of 1973. The forest area was gazetted for protection and production with a total hectareage of approximately 4,290. However, following the need to develop Lusaka South Multi-facility Economic Zone (MFEZ) into an industrial centre, part of Mpande Forest was degazetted to accommodate the communities that were moved from the MFEZ.

As a result of the above, a total of 1,800 hectares was excised through Statutory Instrument No. 12 of 2020 in line with section 10 of the *Forests Act No. 4 of 2015*.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

4.2. Statutory Instrument No. 12 of 2020 - The National Forest No. F12: Luano (Alteration of Boundaries) Order, 2020

The Luano National Forest No. F12 was gazetted in 1973 under *Government Notice No. 235 and 158 of 1973*. The forest area was gazetted for protection and production purposes. The total area of the forest was in extent 7,151 hectares.

Following the increase in economic activities in Chingola district of Copperbelt Province, the Government approved to partially degazette (excise) Luano National Forest No. F12 to allow the district meet its growing residential and industrial development needs, as such, a total of approximately 1,037 hectares was excised through Statutory Instrument No. 13 of 2020 in line with section 10 of the *Forests Act No. 4 of 2015*.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

5. MINISTRY OF ENERGY

5.1. Statutory Instrument No. 15 of 2020 - The Electricity Act (Commencement) Order, 2020

The Statutory Instrument was issued pursuant to section 1 of the *Electricity Act, No. 11 of 2019* so as to operationalise the Electricity Act, 2019.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

5.2. Statutory Instrument No. 16 of 2020 - The Energy Regulation Act (Commencement) Order, 2020

The Statutory Instrument was issued pursuant to section 1 of the *Energy Regulation Act, No. 12 of 2019* so as to operationalise the Energy Regulation Act, 2019.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

5.3. Statutory Instrument No. 57 of 2020 - The Electricity (Common Carrier) (Declaration) Regulations, 2020

The Statutory Instrument was issued pursuant to section 15 of the *Electricity Act, No. 11 of 2019* so as to declare the transmission and distribution lines operated by Copperbelt Energy Corporation (CEC) as common carrier.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

6. MINISTRY OF HEALTH

6.1. Statutory Instrument No. 19 of 2020 - The Food Safety Act (Commencement) Order, 2020

The Statutory Instrument was issued pursuant to section 1 of the *Food Safety Act, No. 7 of 2019* so as to operationalise the Food Safety Act, 2019.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

6.2. Statutory Instrument No. 21 of 2020 - The Public Health (Notifiable Infectious Disease) (Declaration) Notice, 2020

The Statutory Instrument was issued pursuant to sections 9 and 28 of the *Public Health Act, Chapter 295 of the Laws of Zambia*, so as to provide for the notification of Corona Virus Disease, 2019 as a notifiable infectious disease.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

6.3. Statutory Instrument No. 22 of 2020 - The Public Health (Infected Areas) (Corona Virus Disease 2019) Regulations

The Statutory Instrument was issued pursuant to sections 28, 30 and 144 of the *Public Health Act, Chapter 295 of the Laws of Zambia* so as to set out regulations for the management and control of the spread of COVID – 19.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

6.4. Statutory Instrument No. 24 of 2020 - The National Health Research (Bio-Banking) Regulations, 2020

The Statutory Instrument was issued pursuant to sections 49, 51 and 63 of the *National Research Act, No. 2 of 2013*. The regulations contained in the Statutory Instrument were meant to inter alia; facilitate the establishment of well-equipped bio-banks that would enhance the conduct of genomic and other health research in the Zambia.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

6.5. Statutory Instrument No. 25 of 2020 - The National Health Research (Registration and Accreditation) Regulations, 2020

The Statutory Instrument was issued pursuant to sections 18, 19 and 63 of the *National Research Act, No. 2 of 2013* so as to provide for the application, registration, certification and accreditation of health research institutions.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

6.6. Statutory Instrument No. 62 of 2020 - The Public Health (Infected Areas) (Corona Virus Disease 2019) (Amendment) Regulations

The Statutory Instrument was issued pursuant to sections 28 and 30 of the *Public Health Act, Chapter 295 of the Laws of Zambia* so as to amend parts of Statutory Instrument No. 22 of 2020.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

7. MINISTRY OF LABOUR AND SOCIAL SECURITY

7.1. Statutory Instrument No. 1 of 2020 - The National Pension Scheme (Pensionable Earnings) (Amendment) Regulations, 2020

The Statutory Instrument was issued pursuant to sections 14 and 19 of the *National Pension Scheme Authority, Chapter 256 of the Laws of Zambia* so as to adjust the levels of pensionable earnings by an index based on national average earnings generated by the Zambia Statistics Agency. This was in line with government policy, which sought to index pension benefits against inflation to ensure that the purchasing power of benefits paid was maintained.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

8. MINISTRY OF FOREIGN AFFAIRS

8.1. Statutory Instrument No. 8 of 2020 - The Diplomatic Immunities and Privileges (Turkish Cooperation and Coordination Agency) Order, 2020

The Statutory Instrument was issued pursuant to section 4 of the *Diplomatic Immunities and Privileges Act, Chapter 20 of the Laws of Zambia*, so as to confer immunities and privileges on the Turkish Cooperation and Coordination Agency.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

9. MINISTRY OF JUSTICE

9.1. Statutory Instrument No. 34 of 2020 - The Laws of Zambia (Revised Edition) Act (Specified Date) Notice, 2020

Section 9 of the *Laws of Zambia (Revised Edition) Act, No. 9 of 1968* empowered the Minister of Justice, by statutory instrument, to specify a date for purposes of revision of the Laws of Zambia prepared in accordance with the provisions of the Act. The Statutory Instrument, therefore, was issued to specify the date for the revision and to revoke Statutory Instrument No. 96 of 2015.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

10. MINISTRY OF HOUSING AND INFRASTRUCTURE DEVELOPMENT

10.1. Statutory Instrument No. 26 of 2020 - The Tolls (Toll Exemption) Order, 2020

The Statutory Instrument was issued pursuant to section 10 of the *Tolls Act, No. 14 of 2011*, so as to exempt the vehicles listed in the schedule to the Statutory Instrument from paying tolls at Michael Chilufya Sata and Chongwe toll points. The exemption would be revoked on 28th February, 2021.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

11. MINISTRY OF COMMERCE, TRADE AND INDUSTRY

11.1. Statutory Instrument No. 18 of 2020 - The Compulsory Standards (Potable Spirits) (Declaration) Order, 2020

The Statutory Instrument was issued pursuant to section 11 of the *Compulsory Standards Act, No. 3 of 2017* so as to provide for the declaration of a national standard on potable spirits, which contain harmful percentages of alcohol or alcohol in its purest form.

Committee's observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

11.2. Statutory Instrument No. 52 of 2020 - The Metrology (Fees) (Declaration) Order, 2020

The Statutory Instrument was issued pursuant to section 59 of the *Metrology Act No. 6 of 2017* so as to prescribe the metrology verification fees and to repeal and replace Statutory Instrument No. 29 of 2017 – The Weights and Measures (Verification fees) Regulations, 2017.

Committee's observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

12. MINISTRY OF LOCAL GOVERNMENT

12.1. Statutory Instrument No. 5 of 2020 - The Urban and Regional Planning (Designated Local Planning Authority) Regulations, 2020

The Statutory Instrument was issued pursuant to section 13 of the *Urban and Regional Planning Act No. 3 of 2015* so as to designate Lundazi Town Council as a Local Planning Authority for Lundazi District.

Committee's observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

12.2. Statutory Instrument No. 9 of 2020 - The Urban and Regional Planning (Designated Local Planning Authority) Regulations, 2020

The Statutory Instrument was issued pursuant to section 13 of the *Urban and Regional Planning Act No. 3 of 2015* so as to designate Petauke Town Council as a Local Planning Authority for Petauke District.

Committee's observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

12.3. Statutory Instrument No. 14 of 2020 - The Local Government (Fire Services) Order, 2020

The Statutory Instrument was issued pursuant to section 80 of the *Local Government Act, No. 2 of 2019* so as to establish Kabompo Town Council as a Fire Authority for Kabompo District.

Committee's observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

12.4. Statutory Instrument No. 51 of 2020 - The Liquor Licensing (Permitted Hours) (Amendment) Regulations, 2020

The Statutory Instrument was passed pursuant to section 53 of the *Liquor Licensing Act, No. 2 of 2011* so as to amend Statutory Instrument No. 64 of 2012 by changing the opening and closing hours of bars, bottle stores, night clubs and wholesale liquor outlets, as a measure to reduce the spread of COVID-19.

Committee's observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

12.5. Statutory Instrument No. 55 of 2020 - The Urban and Regional Planning (Designated Local Planning Authority) Regulations, 2020

The Statutory Instrument was issued pursuant to section 13 of *the Urban and Regional Planning Act No. 3 of 2015* so as to designate Samfya Town Council as a Local Planning Authority for Samfya District.

Committee's observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

12.6. Statutory Instrument No. 56 of 2020 - The Urban and Regional Planning (General) Regulations, 2020

The Statutory Instrument was issued pursuant to section 74 of the *Urban and Regional Planning Act No. 3 of 2015* so as to provide for the management, operation and administration of provincial and local planning authorities.

Committee's observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

12.7. Statutory Instrument No. 64 of 2020 - The National Market and Bus Station Development Fund Regulations, 2020

The Statutory Instrument was issued pursuant to section 32 of *the Markets and Bus Stations Act No. 7 of 2007* so as to provide for the establishment, administration and application of the Markets and Bus Fund.

Committee's observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

12.8. Statutory Instrument No. 66 of 2020 - The Local Government (Appointment of Local Government Administrator) (Lusaka City Council) Order, 2020

The Statutory Instrument was issued pursuant to section 56 of *the Local Government Act, No. 2 of 2019* so as to provide for the appointment of the Local Government Administrator for the Lusaka City Council.

Committee's observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

PART II

13. CONSIDERATION OF THE ACTION-TAKEN REPORT (ATR) ON THE REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION FOR THE FOURTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY

Findings from the Local Tour of the Committee on Delegated Legislation for the Third Session of the Twelfth National Assembly

13.1. Statutory Instrument No. 7 of 2018 - The Railways (Transportation of Heavy Goods) Regulations, 2018

Visit to Zambia Railways Limited Headquarters

The Committee had resolved to await a progress report as it had been reported in the ATR that the Government was in the process of mobilising funds for the recapitalisation of the railway company.

Executive's Response

The Government was still in the process of mobilising resources for the recapitalisation of Zambia Railways Limited (ZRL).

Committee's Observations and Recommendations

The Committee is concerned that the mobilisation of funds has taken too long and that the Government did not explain the steps it was taking to mobilise capital for ZRL. In this regard, the Committee resolves to request for another progress report.

13.2. Statutory Instrument No. 44 of 2017 - The Local Government (Fire Services) Order, 2017

Visit to Samfya Town Council

Having requested for a progress report on the construction of a fire station, the Committee was informed in the ATR that plans were still underway for Samfya Town Council to construct a simple standard fire station using part of the funds meant for capital projects once an ideal site was located. The plan for a simple standard fire station had already been availed to the Council.

Committee's Observations and Recommendations

The Committee resolves to request for a further progress report on the matter since the construction of the fire station has not yet began.

Visit to Mansa Municipal Council

The Committee had resolved to await a progress report on the deployment of fire officers to Mansa Municipal Council and to be updated on the outcome of the marine training programmes and how they would benefit Mansa Municipal Council. The Committee had also requested to be updated on the construction of a fire station for the Council.

Executive's Response

The Committee was updated that Mansa had received 20 fire officers as a way of filling the vacancies in the fire department by the Local Government Service Commission. Further, the marine training was scheduled to take place between August and October, 2020 in Mbala and would train officers in water rescue operations.

Due to austerity measures implemented by the Government, it was reported that the construction of eleven modern provincial and district fire stations, which included Mansa was put on hold. To this end, and in order to address the concern on the deplorable state of the fire station, the Council was requested to relocate the fire officers to another building conducive for fire brigade operations as an interim measure. Further, plans were underway by Mansa Town Council to construct a simple standard fire station using part of the funds meant for capital projects once an ideal site was located. A simple standard fire station plan had already been availed to the Council.

Committee's Observations and Recommendations

The committee resolves to await a progress report on the matter.

Visit to Kasama Municipal Council

In requesting a progress report on the construction of a modern fire station for Kasama Municipal Council, The Committee had called on the Government to indicate a time frame in which the project was to be undertaken.

Executive's Response

It was reported in the ATR that the construction of modern provincial and district fire stations of which Kasama was a beneficiary, required a huge resource outlay and due to austerity measures still in force, it was not possible to indicate the time frame in which the project would be undertaken, as it would depend on the availability of resources for the project to commence.

Committee's Observations and Recommendations

The Committee resolves to await a progress report on the matter.

Regarding the installation of more fire hydrants and an emergency toll free number, the Committee was updated that the Council had engaged Chambeshi Water and Sanitation Company, which was in the process of putting up a new water network, to prioritise the installation of fire hydrants. As for the installation of an emergency toll free line, it was reported that Zamtel had installed two emergency lines at the fire station for emergency purposes.

Committee's Observations and Recommendations

The committee resolves to await a progress report on the installation of fire hydrants.

Regarding the training of some of the fire officers to undertake training in marine rescue services, the Committee was informed that Kasama Municipal Council nominated two fire officers to undergo marine training in Mbala.

Committee's Observations and Recommendations

The Committee resolves to request for an update on the matter.

13.3. Statutory Instrument No 13 of 2018 - The Civil Aviation (Designated Provincial and Strategic Airports) Regulations, 2018

Visit to Kasama Airport

The Committee had resolved to await a progress report on the completion of Kasama Airport.

Executive's Response

It was reported in the ATR that in June 2020, the Government released funds to clear outstanding payments to the contractor. The contractor had since resumed works and was working on laying and compacting the laterite. The Project had reached 90 percent completion.

Committee's Observations and Recommendations

The Committee resolves to await a progress report on the matter.

Visit to Mansa Airport

The Committee had resolved to await a progress report on the expansion and installation of run way lights at Mansa Airport.

Executive's Response

The Committee was informed that the Zambia Air Force (ZAF) intended to establish a base at Mansa airport. As such, ZAF was engaged to include the expansion of the runway and installation of runway lights in the project for the establishment of the ZAF Base at Mansa Airport. The Zambia Air Force had since done the feasibility study of the project.

Committee's Observations and Recommendations

The Committee resolves to await a progress report on the matter

Visit to Mbala Airport

The Committee had resolved to await an update on the on-going construction works at Mbala airport including the outstanding works under Phase II of the project.

Executive's Response

The Zambia Air Force (ZAF) was engaged to expand the runway and install runway lights at Mbala Airport and a feasibility study had since been undertaken. It was also reported in the ATR that Phase II of the works amounting to K15,082,231.80 were still outstanding as the Government was still mobilising resources. Works would resume once the funds were available.

Committee's Observations and Recommendations

The Committee resolves to await a progress report on the matter.

14. CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION FOR THE THIRD SESSION OF THE TWELFTH NATIONAL ASSEMBLY

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

The Committee was concerned that the processes relating to the amendment of the Anti-Gender Based Violence Act and the Criminal Procedure Code had taken too long and therefore, requested for an update report on the matter.

Executive's Response

It was reported that The Zambia Law Development Commission (ZLDC) had began the process of preparing a layman's draft of amendments to the Anti-Gender Based Violence Act and once the layman's draft was finalised, it would be submitted for final consultations and validation before submission to the Ministry of Gender for further action. Further, ZLDC had finalised the preparation of a layman's draft of the amendments to the Criminal Procedure Code. The layman's draft was awaiting final consultations and validation before submission to the Ministry of Justice for finalisation.

Committee's Observations and Recommendations

The Committee resolves to await a progress report on the matter.

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

The Committee had resolved to await a progress report since the matter was still under consultation.

Executive's Response

The Committee was informed that the Government would commence implementation of the Statutory Instrument once all relevant stakeholders were consulted as consultations with stakeholders were still on-going.

Committee's Observations and Recommendations

The committee notes that consultations on this matter had been on-going for a long time and wonders whether the Statutory Instrument will be implemented as was earlier envisaged. The Committee, therefore, resolves to request for a time frame within which the consultations regarding the Statutory Instrument will be completed.

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

The committee had resolved to await progress report on the matter.

Executive's Response

It was reported that due to financial constraints, constructing of district infrastructure in Mushindamo did not take place. The construction of infrastructure in Mushindamo District would be considered once funds from the Treasury were made available.

Committee's Observations and Recommendations

The Committee resolves to await a progress report on the matter.

22. Conclusion

During the period under review, the Committee considered a total of sixty nine Statutory Instruments issued by various Government ministries and agencies and is satisfied that the Statutory Instruments were issued in accordance with the enabling legislation. Due to the COVID-19 pandemic, the Committee could not undertake the local tours to assess the extent of implementation of selected Statutory Instruments. That notwithstanding, the Committee urges the Government to take appropriate action on the observations and recommendations contained in this Report.

Finally, the Committee wishes to express its gratitude to the Hon Mr Speaker and the Clerk of the National Assembly for the support rendered to it throughout this Session. The Committee also wishes to thank all Government ministries and agencies that provided explanatory memoranda on the various Statutory Instruments, as well as the Permanent Secretaries who appeared before it and provided written and oral explanations on some Statutory Instruments.

Mr A B Malama, MP
CHAIRPERSON

April 2021
LUSAKA

APPENDIX I

List of Officials

Ms C Musonda, Principal Clerk of Committees
Mr F Nabulyato, Deputy Principal Clerk of Committees (SC)
Mrs C K Mumba, Senior Committee Clerk (FC),
Mr G Zulu, Committee Clerk
Mr C Bulaya, Committee Clerk
Mrs C K Muyunda, Typist
Mr D Lupiya, Committee Assistant