



REPORT

OF THE

COMMITTEE ON DELEGATED LEGISLATION

FOR THE

FOURTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY

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

1 Membership of the Committee

The Committee consisted of Mr A B Malama, MP (Chairperson); Ms 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 Fourth Session of the Twelfth National Assembly.

2 Functions of the Committee

The Committee was guided in all its deliberations by Standing Order No. 154 which sets out its functions 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.”

3 Meetings of the Committee

The Committee held eleven meetings during the period under review and considered a total of seventy three 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 Third 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

6.0 MINISTRY OF FINANCE

6.1 *Statutory Instrument No. 1 of 2019 - The Customs and Excise (Electrical Machinery and Equipment) (Suspension) (Amendment) Regulations, 2019*

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 Light Emitting Diode (LED) lamps in order to promote and ensure affordable access to off-grid efficient energy solutions.

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. 2 of 2019 - The Customs and Excise (Excise Duty) (Suspension) (Amendment) Regulations, 2019*

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia*. The objective of the Statutory Instrument was to suspend excise duty on ciders from 60 per cent to 40 per cent to harmonise treatment of ciders with that of lagers. Prior to the suspension, ciders had a substantive excise duty rate of 60 per cent whereas lagers attracted 40 per cent.

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. 3 of 2019 - The Value Added Tax (Zero Rating) (Amendment) Order, 2019*

The Statutory Instrument was issued pursuant to section 15 of the *Value Added Tax Act, Chapter 331 of the Laws of Zambia*. The Statutory Instrument was issued in order to promote the use of energy efficient bulbs to conserve energy. It is also meant to bring the LED lights in line with Value Added Tax (Zero-Rating) Schedule, granted to other energy efficient items like discharge lamps, ultraviolet lamps (energy efficient lighting lamps) and florescent lamps (tubes and bulbs).

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. 4 of 2019 - The Customs and Excise (General) (Amendment) Regulations, 2019*

The Statutory Instrument was issued pursuant to section 198 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to:

- i. provide for legislation to support placement and operation of duty free shops at arrival halls;
- ii. adjust the fees paid on entry for goods for consumption, warehousing, re-warehousing or removal from warehouse or exportation; and
- iii. list business enterprises approved in 2018 for tax incentives.

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. 5 of 2019 - The Customs and Excise (Nickel and Particle Board) (Export duty) (Remission) Regulations, 2019*

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* to revoke Statutory Instrument No. 53 of 2016 and impose a 10 percent export duty on Manganese.

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. 11 of 2019 - The Customs and Excise (Suspension) (Fuel) Regulations, 2019*

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* to suspend customs and excise duty on fuel imported by the Ministry of Energy and ex-bonded (Uplifted) by Oil Marketing Companies (OMCs) from the TAZAMA Bonded warehouse. The suspension of duty was done with a view to cushioning the impact of fuel prices on the economy.

Committee's Observations and Recommendations

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

6.7 *Statutory Instrument No. 17 of 2019 - The Customs and Excise (Ports of Entry and routes) (Amendment) order, 2019*

The Statutory Instrument was issued in exercise of the powers contained in sections 13 and 199 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia*. The objective of the Statutory Instrument was to extend the number of working hours for Mokambo border post from 06 hours to 20 hours on all days including Saturday and Sunday in order to facilitate clearance of goods.

Committee's Observations and Recommendations

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

6.8 *Statutory Instrument No. 18 of 2019 - The Customs and Excise (General) (Amendment) Regulations, 2019*

The Statutory Instrument was issued in exercise of the powers contained in section 198 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia*. The objective of the Instrument was to list ORIO (an Infrastructure Development Facility funded by the Dutch Ministry of Foreign Affairs) in the Third Schedule to the Customs and Excise Act as an approved donor organisation so as to exempt the Chiansi Infrastructure Irrigation project under the Ministry of Agriculture from import taxes.

Committee's Observations and Recommendations

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

6.9 Statutory Instrument No. 25 of 2019 - The Income Tax (Suspension of tax on payment of interest to non-resident) (Treasury Bill and Bond) Regulations, 2019

Following the increase of the withholding tax on dividends and interest payment to non-residents from 15 per cent to 20 per cent under the 2019 national budget, there was an unintentionally included interest on treasury bills and Government bonds. In this regard, this Statutory Instrument was issued pursuant to section 15A of the *Income Tax Act, Chapter 323 of the Laws of Zambia* as a stop gap measure, to suspend the rate from 20 per cent to 15 per cent on interest accruing to a non-resident on treasury bills and bonds and to retain and harmonise the interest rate on Government securities at 15 per cent in the Income Tax 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.

6.10 Statutory Instrument No. 27 of 2019 - The Loans and Guarantees (Maximum Amounts) (Amendment) Order, 2019

The Statutory Instrument was issued pursuant to section 26 of the *Loans and Guarantees (Authorisation) Act, Chapter 366 of the Laws of Zambia* so as to amend Statutory Instrument No. 22 of 2016 by increasing the threshold of the longer debt domestic instrument from the then limit of K40 billion to the current of K70 billion. This was done with the primary effect of adjusting upward the limit on the more than one year debt instrument from K40 billion to K70 billion so as not to breach the statutory limit of K40 billion on longer dated domestic debt 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.

6.11 Statutory Instrument No. 32 of 2019 - The Customs and Excise Act (Suspension) (Fuel) (No. 2) Regulations, 2019

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 and excise duty on fuel when imported by the Ministry responsible for Energy and ex-bonded (Uplifted) by Oil Marketing Companies (OMCs) from the TAZAMA Bonded warehouse. The suspension of duty was done with a view to cushion the impact of fuel prices on the economy.

Committee's Observations and Recommendations

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

6.12 Statutory Instrument No. 59 - The Insurance (Fidelity Fund) Regulations, 2019

The Statutory Instrument was issued pursuant to sections 109, 111 and 113 of the *Insurance Act, No. 27 of 1997*. The main purpose of the Statutory Instrument was to establish the Insurance Fidelity Fund and the Committee to superintend over it for reasons of indemnifying or protecting policy holders and other interested parties from the insurer's inability to honour their claims.

In a quest to ensure the legitimacy of the claims, the Statutory Instrument contains provisions aimed at ensuring that only claims meeting the conditions set out therein, and to the satisfaction of the Policy Holders' Protection Committee, will be settled from the Fidelity 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.

6.13 Statutory Instrument No. 62 of 2019 – Income Tax (Konoike Construction Company Limited) (Approval and Exemption) Order, 2019

The Statutory Instrument was issued pursuant to section 15 of the *Income Tax Act, Chapter 323 of the Laws of Zambia*. The Instrument was meant to exempt Konoike Construction Limited and its Japanese employees exercising their employment in Zambia from paying Income Tax for the duration specified in the agreement entered between the Japan International Cooperation Agency (JICA) and the Government of the Republic of Zambia for the implementation of the Kafubu Water Project which was financed by a grant from JICA.

Committee's Observations and Recommendations

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

6.14 Statutory Instrument No. 65 of 2019 - The Customs and Excise (General) (Amendment) (No. 3) Regulations, 2019

The Statutory Instrument was issued pursuant to section 198 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia*. The objective of the Statutory Instrument was to implement the bilateral trade agreements between Zambia and South Korea to facilitate trade between the two countries by suspending duty on imports from South Korea into Zambia and exports to South Korea from 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.

6.15 Statutory Instrument No. 66 of 2019 - The Customs and Excise (Excise Duty) (Suspension) (Ethyl Alcohol) Regulations, 2019

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia*. The Statutory Instrument was issued to suspend excise duty on un-denatured ethyl alcohol when produced or manufactured by a licensed manufacturer in Zambia. This was in order to legally provide for the new mode of valuation of ethanol products in the *Customs and Excise 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.

6.16 Statutory Instrument No. 70 of 2019 - The Credit Reporting Act (Commencement) Order, 2019

The Statutory Instrument was issued pursuant to section 1 of the *Credit Reporting Act No. 8 of 2018*, so as to operationalise the *Credit Reporting Act, No. 8 of 2018*. The Statutory Instrument was issued with the aim of providing legal backing for the credit information system in the country. This stemmed from the fact that in order for lenders, especially commercial banks, to obtain information such as credit history, there was need for a credit information system, which was typically provided by credit reference bureaus. In view of the confidentiality and sensitivity of credit information, there was need for a credit infrastructure, or laws and an institutional framework that would govern how credit information was obtained and provided.

Committee's Observations and Recommendations

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

6.17 Statutory Instrument No. 74 of 2019 - The Customs and Excise (Remissions) (Nkana Mines and Mineral Processing Limited) Regulations, 2019

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia*. The Statutory Instrument was issued to suspend customs duty on construction materials imported by Nkana Mines and Mineral Processing Limited in order to enable the company complete the construction of a processing plant without delay.

Committee's Observations and Recommendations

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

6.18 Statutory Instrument No. 82 of 2019 - The Customs and Excise (Precious Stones) (Export Duty) (Suspension) Order, 2019

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia*. The Statutory Instrument was issued to suspend export duty on gemstones in order to mitigate the negative consequences of the 15 per cent export duty.

Committee's Observations and Recommendations

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

6.19. Statutory Instrument No. 86 of 2019 - The Customs and Excise (Machinery and Equipment) (Suspension) Regulations, 2019

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia*. The Statutory Instrument was issued to suspend the 10 per cent customs duty on machinery and equipment for non-large scale mining rights holders, in order not to affect non-mining companies. This meant that capital equipment for non-large scale mining was not affected by the budget measure.

Committee's Observations and Recommendations

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

6.19 Statutory Instrument No. 87 of 2019 - The Customs and Excise (Suspension) (Fuel) Regulations, 2019

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia*. The Statutory Instrument was issued to suspend customs duty for diesel and petrol imported by six oil marketing companies (OMCs) listed in the schedule to the Statutory Instrument for a period of thirty days in order to ensure security of supply of petroleum products in the country.

Committee's Observations and Recommendations

The Committee observes that the rationale for giving the tax incentive to the six OMCs was not explained in the Statutory Instrument. The Committee recommends that the rationale be explained and that the criteria used in granting the tax incentive be clearly outlined by the Ministry of Finance.

6.20 Statutory Instrument No. 88 of 2019 - The Value Added Tax (Zero Rating) (Amendment) Order, 2019

The Statutory Instrument was issued pursuant to section 15 of the *Value Added Tax Act, Chapter 331 of the Laws of Zambia*. The Statutory Instrument was issued to zero rate the supply of gas stoves, other gas cookers and gas boilers in order to mitigate the effects of the energy deficit. It also intended to zero rate capital equipment and machinery for the mining sector and copper cathodes sold locally to encourage Government's industrialisation and job creation agenda. This would provide a cheaper source of energy to cushion the effects of load shedding of electricity.

Committee's Observations and Recommendations

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

6.21 Statutory Instrument No. 89 of 2019 - The Customs and Excise (Ports of Entry and Routes) (Amendment) Orders, 2019

The Statutory Instrument was issued pursuant to sections 13 and 199 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia*. The Statutory Instrument was issued to extend the number of working hours for Kenneth Kaunda International Airport by two hours from 18:00 hours to 20:00 hours on all days, including Saturday and Sunday in order to facilitate for clearance of goods and facilitate trade.

Committee's Observations and Recommendations

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

6.22 Statutory Instrument No. 90 of 2019 - The Value Added Tax (General) (Amendment) Regulations, 2019

The Statutory Instrument was issued pursuant to sections 18 and 51 of the *Value Added Tax Act, Chapter 331 of the Laws of Zambia*. The Statutory Instrument was issued to:

- i. disallow claims of Value Added Tax (VAT) on consumables such as stationery, lubricants and spare parts. This measure was intended to generate revenue for the Government by disallowing input VAT credits on consumables. However, this measure would not apply to entities for which these consumables were stock in trade;
- ii. limit input VAT claims by mining companies on diesel to 70 percent from 90 percent. Currently, VAT on diesel was claimable at 90 percent. This measure was intended to generate revenue for the Government; and
- iii. limit input VAT claims by mining companies on electricity to 80 percent from 100 percent. Currently, electricity was claimable at 100 percent and this measure was intended to generate revenue for the Government.

Committee's Observations and Recommendations

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

6.23 Statutory Instrument No. 91 of 2019 - The Customs and Excise (General) (Amendment) Regulations, 2019

The Statutory Instrument was issued pursuant to section 198 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia*. The Statutory Instrument was issued to:

- i. provide for form CE5A which would be used to enter the visitor's motor vehicle when imported temporarily and a personal motor vehicle when transiting Zambia;
- ii. limit the refunds under the duty drawback scheme to import duty paid by a claimant and remove refunds of implied duties on locally sourced inputs;
- iii. empower the Commissioner General to appoint a taxpayer as an agent to withhold excise duty payable on locally manufactured hydrocarbon oils and oil products removed from the bonded warehouse;
- iv. provide for the remission of duty on tourist publicity materials;
- v. provide for the new definition of rural area; and
- vi. provide for the remission of duty on goods imported for humanitarian purpose.

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 TOURISM AND ARTS

7.1 *Statutory Instrument No. 48 of 2019 - The National Heritage Conservation Commission (Longola Hot Springs) (National Monument) (Provisional Declaration) Order, 2019*

The Statutory Instrument was issued pursuant to section 27 of the *National Heritage Conservation Commission Act, Chapter 173 of the Laws of Zambia*. The objective of the Statutory Instrument was to provide for the protection of the Longola Hot Springs and its environs as a national monument and to show the location, description and significance of the site.

Committee's Observations and Recommendations

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

7.2 *Statutory Instrument No. 49 of 2019 - The National Heritage Conservation Commission (Mulungushi Rock of Authority) (National Monument) (Provisional Declaration) Order, 2019*

The Statutory Instrument was issued pursuant to section 27 of the *National Heritage Conservation Commission Act, Chapter 173 of the Laws of Zambia*. The objective of the Statutory Instrument was to provide for the protection of the Mulungushi Rock of Authority and its environs as a national monument and to show the location, description and significance of the site.

Committee's Observations and Recommendations

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

7.3 *Statutory Instrument No. 50 of 2019 - The National Heritage Conservation Commission (Chinyunyu Hot Springs) (National Monument) (Declaration) Order, 2019*

The Statutory Instrument was issued pursuant to section 27 of the *National Heritage Conservation Commission Act, Chapter 173 of the Laws of Zambia* so as to provide for the protection of the Chinyunyu Hot Spring area and its environs as a national monument and to show the location, description and significance of the site.

Committee's Observations and Recommendations

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

7.4 *Statutory Instrument No. 51 of 2019 - The National Heritage Conservation Commission (Mukuku Bridge) (National Monument) (Provisional Declaration) Order, 2019*

The Statutory Instrument was issued pursuant to section 27 of the *National Heritage Conservation Commission Act, Chapter 173 of the Laws of Zambia* so as to provide for the protection of the Mukuku Bridge and its environs as a national monument and to show the location, description and significance of the site.

Committee's Observations and Recommendations

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

7.5 *Statutory Instrument No. 52 of 2019 - The National Heritage Conservation Commission (Mpezeni I Royal Burial) (National Monument) (Declaration) Order, 2019*

The Statutory Instrument was issued pursuant to section 27 of the *National Heritage Conservation Commission Act, Chapter 173 of the Laws of Zambia* so as to provide for the protection of the Mpezeni I (one) Royal Burial and its environs as a national monument and to show the location, description and significance of the site.

Committee's Observations and Recommendations

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

7.6 *Statutory Instrument No. 53 of 2019 - The National Heritage Conservation Commission (Tarbuttite Site) (National Monument) (Declaration) Order, 2019*

The Statutory Instrument was issued pursuant to section 27 of the *National Heritage Conservation Commission Act, Chapter 173 of the Laws of Zambia* so as to provide for the protection of the Tarbuttite and its environs as a national monument and to show the location, description and significance of the site.

Committee's Observations and Recommendations

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

7.7 *Statutory Instrument No. 54 of 2019 - The National Heritage Conservation Commission (Kavalamanja-Kakaro Liberation Heritage) (National Monument) (Declaration) Order, 2019*

The Statutory Instrument was issued pursuant to section 27 of the *National Heritage Conservation Commission Act, Chapter 173 of the Laws of Zambia* so as to provide for the protection of the Kavalamanja-Kakaro Liberation Site area and its environs as a national monument and to show the location, description and significance of the site.

Committee's Observations and Recommendations

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

7.8 Statutory Instrument No. 55 of 2019 - The National Heritage Conservation Commission (Chipota Falls) (National Monument) (Provisional Declaration) Order, 2019

The Statutory Instrument was issued pursuant to section 27 of the *National Heritage Conservation Commission Act, Chapter 173 of the Laws of Zambia*. The objective of the Statutory Instrument was to provide for the protection of the Chipota Falls and its environs as a national monument and to show the location, description and significance of the site.

Committee's Observations and Recommendations

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

7.9 Statutory Instrument No. 56 of 2019 - The National Heritage Conservation Commission (Broken Hill Man) (National Monument) (Provisional Declaration) Order, 2019

The Statutory Instrument was issued pursuant to section 27 of the *National Heritage Conservation Commission Act, Chapter 173 of the Laws of Zambia*. The objective of the Statutory Instrument was to provide for the protection of the area, where the remains of the early hominid were discovered in Kabwe in 1921 during mining operations. The most prominent of the remains was the skull which having been associated with the broken hill mining area, was famously referred to as Broken Hill Skull. The Statutory Instrument was, therefore, issued to show the location, description and significance of the site for ease of understanding.

Committee's Observations and Recommendations

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

7.10 Statutory Instrument No. 57 of 2019 - The National Heritage Conservation Commission (Kabwe Mine Museum) (National Monument) (Provisional Declaration) Order, 2019

The Statutory Instrument was issued pursuant to section 27 of the *National Heritage Conservation Commission Act, Chapter 173 of the Laws of Zambia* so as to provide for the protection of the Kabwe Mine Museum Site and its environs as a national monument and to show the location, description and significance of the site.

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 ELECTORAL COMMISSION OF ZAMBIA (ECZ)

8.1 Statutory Instrument No. 16 of 2019 - The Electoral Process (General) Regulations, 2016. The National Assembly By-Election (Bahati Constituency No.062) (Election Date and Time of Poll) Order, 2019

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 election date and time of poll in respect of Bahati Parliamentary Constituency.

Committee's Observations and Recommendations

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

8.2 Statutory Instrument No. 19 of 2019 - The Electoral Process (General) Regulations, 2016. The National Assembly By-Election (Roan Constituency No.026) (Election Date and Time of Poll) Order, 2019

The Statutory Instrument was issued pursuant to section 125 of the *Electoral Process Act, No. 35 of 2016*. The objective of the Statutory Instrument was to stipulate the election date and time of poll in respect of Roan Parliamentary Constituency.

Committee's Observations and Recommendations

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

8.3 Statutory Instrument No. 20 of 2019 - The Electoral Process (Local Government By-Elections) (Election Date and Time of Poll) Order, 2019

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 election dates and times of polls in respect of the districts and wards contained in the schedule of 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.

8.4 Statutory Instrument No. 23 of 2019 - The Electoral Process (Local Government By-Elections) (Election Date and Time of Poll) (No. 2) Order, 2019

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 election dates and times of polls in respect of the districts and wards contained in the schedule of 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.

8.5 Statutory Instrument No. 24 of 2019 - The Electoral Process (Local Government By-Elections) (Election Date and Time of Poll) (No.3) Order, 2019

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 election dates and times of polls in respect of the districts and wards contained in the schedule of 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.

8.6 Statutory Instrument No. 38 of 2019 - The National Assembly By-Election (Katuba Constituency No.01) (Election Date and Time of Poll) (No.3) Order, 2019

The Statutory Instrument was issued pursuant to section 125 of the *Electoral Process Act, No. 35 of 2016*. The objective of the Statutory Instrument was to stipulate the election date and time of polls in respect of Katuba Parliamentary Constituency.

Committee's Observations and Recommendations

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

8.7 Statutory Instrument No. 39 of 2019 – The Electoral Process (Local Government By-Elections) (Election Date and Time of Poll) (No.5) Order, 2019

The Statutory Instrument was issued pursuant to section 125 of the *Electoral Process Act, No.35 of 2016*. The Statutory Instrument was issued to provide for the election date and time of polls in the districts and wards listed in the schedule of the Statutory Instrument

Committee's Observations and Recommendations

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

8.8 Statutory Instrument No. 61 of 2019 - The Electoral Process (Local Government By-Elections) (Election Date and Time of Poll) (No.6) Order, 2019

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 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

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

8.9 Statutory Instrument No. 76 of 2019 – The Electoral Process (Local Government By-Elections) (Election Date and Time of Poll) (No.7) Order, 2019

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

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

9 MINISTRY OF HEALTH

9.1 Statutory Instrument No. 63 of 2019 - The National Health Insurance (General) Regulations, 2019

The Statutory Instrument was issued pursuant to section 57(1) of the *National Health Insurance Act, No. 2 of 2018* so as to prescribe regulations for the implementation of the National Health Insurance Scheme in pursuit of universal health coverage for all Zambians. The regulations make provision for among others; registration of members, issuance of membership cards, contribution rates, payment mechanisms, application for accreditation, suspension or revocation of suspension and payment of claims for insured health services.

Committee's Observations and Recommendations

The Committee notes the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation. In noting the Statutory Instrument, the Committee resolved to engage the National Health Insurance Authority so as to gather more information on the implementation of the health insurance scheme.

9.2 Statutory Instrument No. 79 of 2019 - The Medicines and Allied Substances (Marketing Authorisation of Medicines) Regulations, 2019

The Statutory Instrument was issued pursuant to sections 39 and 69 of the *Medicines and Allied Substances Act, No. 3 of 2013*. The thrust of the instrument is to provide for the criteria and procedure for applying for marketing authorisation as well as the necessary forms for the application and for communicating decisions of the Zambia Medicines Regulatory Authority. It also provides for the grant, amendments, renewal, transfer and revocation of marketing authorisation.

Committee's Observations and Recommendations

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

9.3 Statutory Instrument No. 80 of 2019 - The Medicines and Allied Substances (Expert Advisory Committee) Regulations, 2019

The Statutory Instrument was issued to set out the composition, tenure and procedure of the Expert Advisory Committee as provided in section 9 of the *Medicines and Allied Substances Act, No. 3 of 2013*. The main purpose of the Committee was to advise the Board on licensing of medicines and allied substances, monitoring of advertising and standards relating to medicines and allied substances, conduct of clinical trials and to provide technical and scientific advice on medicines and allied substances.

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 COMMERCE, TRADE AND INDUSTRY

10.1 Statutory Instrument No. 10 of 2019 - The Border Management and Trade Facilitation Act (Commencement) Order, 2019

The Statutory Instrument was issued pursuant to regulation 1 of the *Border Management and Trade Facilitation Act, No. 12 of 2018* to provide for the commencement and implementation of the said Act. The Act was developed as one of the measures under trade facilitation that would rationalise and harmonise how agencies at the border operate and interact with regard to effective border coordination and trade facilitation. This was in essence an effort to rationalise and streamline border operations by implementing a coordinated border management system.

Committee's Observations and Recommendations

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

10.2 Statutory Instrument No. 14 of 2019 - The Companies (General) Regulations, 2019

The Statutory Instrument was issued pursuant to section 375 of the *Companies Act, No. 10 of 2017* and contained regulations relating to matters that by the *Companies Act* were required to be prescribed and were necessary and convenient to be prescribed for giving effect to the Act.

The Statutory Instrument stipulated information relating to, among other things, the values of small private companies relating to total investments, annual turnover and employment; particulars to be entered in registers of companies; additional particulars of instrument by which a charge was created; permitted hours to inspect registers; remuneration of

assessors; and rules relating to identification, verification and disclosure of beneficial ownership.

Committee's Observations and Recommendations

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

10.3 Statutory Instrument No. 15 of 2019 - The Companies (Fees) Regulations, 2019

The Statutory Instrument was issued in accordance with sections 374 and 375 of *the Companies Act, No. 10 of 2017* and contained fees payable in the Companies Registry. The proposed fees had been informed by the principle of cost recovery and thus avoiding the Patents and Companies Registration Agency being a burden on the national treasury.

Committee's Observations and Recommendations

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

10.4 Statutory Instrument No. 21 of 2019 - The Companies (Prescribed Forms) Regulations, 2019

The Statutory Instrument was issued in accordance with section 375 of *the Companies Act, No. 10 of 2017*. The regulations in the Statutory Instrument made provision for various application forms and notices to be filed in the Companies Registry.

Committee's Observations and Recommendations

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

10.5 Statutory Instrument No. 22 of 2019 - The Citizens Economic Empowerment (Reservation Scheme) Regulations, 2019

The Statutory Instrument was issued pursuant to section 21 of the *Citizens Economic Empowerment Act, No. 9 of 2006* so as to reserve the provision of commercial cleaning service for targeted citizens, citizen influenced companies, citizen empowered companies and citizen owned companies.

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 CABINET OFFICE

11.1 Statutory Instrument No. 6 of 2019 - The Disaster Management (Qualification of National Coordinator) Regulations, 2019

The Statutory Instrument was issued pursuant to sections 13(2) of the *Disaster Management Act, No. 13 of 2010*. The Statutory Instrument revoked Statutory Instrument No. 40 of 2012, which provided for the qualifications of the National Coordinator under the Disaster Management Unit to the effect that the National Coordinator should possess a degree in Disaster Management with three years work experience in the public sector.

Following the realisation that the former Instrument was overly prescriptive and limited the Government's ability to appoint the most appropriate candidate, Statutory Instrument No. 6 of 2019 was issued to provide that a person qualifies for appointment as National Coordinator if that person has served at senior management level in the public or private sector. This

would allow the Government to respond to the current state of the job market and broaden the base to select the best candidate.

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 JUSTICE

12.1 *Statutory Instrument No. 26 of 2019 – The National Dialogue Forum (Constitution, Electoral Process, Public Order and Political Parties) Act (Commencement) Order, 2019*

The Statutory Instrument was issued pursuant to section 1 of the *National Dialogue (Constitution, Electoral Process, Public Order and Political Parties) Act, No. 1 of 2019* so as to operationalise the said Act.

Committee's Observations and Recommendations

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

12.2 *Statutory Instrument No. 28 of 2019 – The National Dialogue Forum (Extension) Order, 2019*

The Statutory Instrument was issued pursuant to section 14 of the *National Dialogue (Constitution, Electoral Process, Public Order and Political Parties) Act, No. 1 of 2019* so as to extend the sitting period of the National Dialogue Forum to enable its members conclude their work.

Committee's Observations and Recommendations

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

13 MINISTRY OF LABOUR AND SOCIAL SECURITY

13.1 *Statutory Instrument No. 29 of 2019 – The Employment Code Act (Commencement) Order, 2019*

The Statutory Instrument was issued pursuant to Section 1 of the *Employment Code Act, No. 3 of 2019*, so as to enable the said Act to come into effect.

Committee's Observations and Recommendations

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

13.2 *Statutory Instrument No. 72 of 2019 – The National Pension Scheme (Informal Sector) (Membership and Benefits) Regulations, 2019*

The Statutory Instrument was issued in exercise of the powers contained in sections 11 and 53 of the *National Pension Scheme Act, Chapter 256 of the Laws of Zambia* so as to prescribe for membership and benefits for workers in the informal sector to be covered by the National Pension Scheme. The regulations extended social security coverage to the informal economy by, *inter alia*, providing for registration of the informal sector with some flexibility in contribution, taking into account seasonality and the level of income in the sector.

Committee's Observations and Recommendations

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

14 MINISTRY OF DEFENCE

14.1 *Statutory Instrument No. 31 of 2019 - The Defence (Regular Force) (Officers) (Amendment) Regulations, 2019*

Due to an unprecedented number of pilots, doctors and aircraft technicians resigning or proceeding on early retirement from the Zambia Air Force after being trained by the Government at substantial cost, it became necessary to harmonise legislation relating to resignation and retirement from the defence forces, especially the Air Force. Against this backdrop, the regulations contained in the Statutory Instrument were issued pursuant to section 12 and 210 of *the Defence Act, Chapter 106 of the Laws of Zambia* so as to provide that an aircrew officer who resigned from employment was liable to refund the amount spent on that officer's training and that aircrew officers were only eligible for early retirement from service after serving a minimum of twenty years.

The effect of the regulations was to enable the standard treatment of officers who separated from the service after being trained at huge cost to the Government and also to ensure that the Zambia Air Force would retain competent and experienced pilots and aircraft technicians.

Committee's Observations and Recommendations

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

15 MINISTRY OF HIGHER EDUCATION

15.1 *Statutory Instrument No. 68 OF 2019 - The Education (Palabana Dairy Institute Board) (Dissolution) Regulations, 2019*

The Regulations contained in the Statutory Instrument were issued in exercise of the powers contained in section 52 of the *Higher Education Act, No. 4 of 2013* so as to dissolve the Board of the Palabana Dairy Institute pursuant to the declaration of the Palabana University.

Committee's Observations and Recommendations

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

15.2 *Statutory Instrument No. 69 of 2019 – The Palabana University (Declaration) Order, 2019*

The Statutory Instrument was issued in exercise of the powers contained in sections 14 of the *Higher Education Act, No. 4 of 2013* so as to declare the Palabana Dairy Training Institute as the Palabana University.

Committee's Observations and Recommendations

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

16 MINISTRY OF NATIONAL DEVELOPMENT PLANNING

16.1 Statutory Instrument No. 60 of 2019 – The Statistics Act (Commencement) Order, 2019

The Statutory Instrument was issued pursuant to section 1 of the *Statistics Act, No. 13 of 2018* so as to operationalise the *Statistics Act* and enable the Government to fully implement the reforms enshrined in the said Act.

Committee’s Observations and Recommendations

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

17 MINISTRY OF AGRICULTURE

17.1 Statutory Instrument No. 64 of 2019 – The Control of Goods Act (Import and Export) (Agriculture)(Prohibition of Export) Order, 2019

The Statutory Instrument was issued pursuant to section 3 of the *Control of Goods Act, Chapter 421 of the Laws of Zambia*. The Statutory Instrument was issued in order to ensure national food and nutrition security by prohibiting the export of the following agricultural products:

- i. maize, maize flour (mealie meal);
- ii. maize groat; and
- iii. brans or residues of maize.

The Statutory Instrument was issued in order to ensure the stocks of the above mentioned commodities were available for human consumption and livestock production.

Committee’s Observations and Recommendations

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

18 MINISTRY OF LANDS AND NATURAL RESOURCES

18.1 Statutory Instrument No. 13 of 2019 – The Local Forest No. F27: Lusaka East (Alteration of Boundaries) Order, 2019

The Statutory Instrument was issued pursuant to section 17 of the *Forest Act, No. 4 of 2015*. The Statutory Instrument was issued so as to regularise the Zambia Air Force Housing Project which occupies about 367 hectares. The remaining 110 hectares was re-planned into 347 plots for residential and mixed use and subsequently allocated to members of the public. As a result of the partial de-gazetting, a total of 716 hectares remained as a forest reserve. This area would ensure that the Lusaka East Local Forest No.27 continued to perform its initial purpose and serving a protection and production purpose.

Committee’s Observations and Recommendations

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

18.2 Statutory Instrument No. 35 of 2019 - The National Forest No. F39: Chichele (Alteration of Boundaries) Order, 2019

The Statutory Instrument was issued pursuant to section 17 of the *Forest Act, No. 4 of 2015*. The purpose of the Statutory Instrument was to de-gazette 782 hectares so as to allow Ndola City Council meet its growing needs.

Committee's Observations and Recommendations

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

18.3 Statutory Instrument No. 58 of 2019 - The Control of Goods (Import and Export) (Forest Produce) (Authorisation of Importation) (Democratic Republic of Congo) Order, 2019

The Statutory Instrument was issued pursuant to section 3 of the *Control of Goods Act, Chapter 421 of the Laws of Zambia*. The objective of the regulations was to authorise the Government of the Democratic Republic of Congo (DRC) to transit through Zambia 3, 400 "40 foot" containers laden with Mukula logs for a period of one year six months from 28th December, 2018 until 28th June, 2020. The Government of the Republic of Zambia would collect revenue through inspection and escort fees at a rate of K 2, 400 and K 2, 400 per container, respectively.

Committee's Observations and Recommendations

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

19 MINISTRY OF LOCAL GOVERNMENT

19.1 Statutory Instrument No. 36 of 2019 – The Solid Waste Management Act (Commencement) Order, 2019

The Statutory Instrument was issued pursuant to section 1 of the *Solid Waste Management Act, No.20 of 2018*. The Statutory Instrument was issued to commence the *Solid Waste Management Regulation and Management Act, No.20 of 2018*.

Committee's Observations and Recommendations

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

19.2 Statutory Instrument No. 37 of 2019 – The Constituency Development Fund Act (Commencement) Order, 2019

The Statutory Instrument was issued pursuant to section 1 of the *Constituency Development Fund Act, No.11 of 2018*. The Statutory Instrument was issued to commence the *Constituency Development Fund Act, No.11 of 2018*.

Committee's Observations and Recommendations

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

19.3 Statutory Instrument No. 42 of 2019 – The Urban and Regional Planning (Designated Local Planning Authorities) Regulations, 2019

The Statutory Instrument was issued pursuant to section 13 of the *Urban and Regional Planning Act, No.3 of 2015*. The Statutory Instrument was issued to designate local planning authority to Monze Town Council in order to decentralise functions. This would respond to

the challenges of urban settlements that required effective management of urban development by a planning authority.

Committee's Observations and Recommendations

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

19.4 Statutory Instrument No. 43 of 2019 – The Urban and Regional Planning (Designated Local Planning Authorities) (No.2) Regulations, 2019

The Statutory Instrument was issued pursuant to section 13 of the *Urban and Regional Planning Act No.3 of 2015*. The Statutory Instrument was issued to designate local planning authority to Kapiri-Mposhi Town Council in order to decentralise functions. This would respond to the challenges of urban settlements that required effective management of urban development by a planning authority.

Committee's Observations and Recommendations

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

19.5 Statutory Instrument No. 44 of 2019 – The Local Government (Fire Inspectors and Fire Officers) Order, 2019

The Statutory Instrument was issued pursuant to section 80 of the *Local Government Act, No.2 of 2019*. The Statutory Instrument was issued to prescribe the appointment of fire inspectors and fire officers in local authorities to respond to the challenges of the number of firemen in the fire authorities for purpose of fire and rescue services provision.

Committee's Observations and Recommendations

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

19.6 Statutory Instrument No. 45 of 2019 – The Urban and Regional Planning (Designated Local Planning Authorities) (No.3) Regulations, 2019

The Statutory Instrument was issued pursuant to section 13 of the *Urban and Regional Planning Act, No.3 of 2015*. The Statutory Instrument was issued to designate local planning authority to Nakonde Town Council in order to decentralize functions. This would respond to the challenges of urban settlements that required effective management of urban development by a planning authority.

Committee's Observations and Recommendations

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

20 MINISTRY OF FISHERIES AND LIVESTOCK

20.1 Statutory Instrument No. 81 of 2019 - The Animal Health (Notifiable Diseases) Regulations, 2019

The Statutory Instrument was issued pursuant to sections 80 of the *Animal Health Act, No.27 of 2010*. The Statutory Instrument was issued to provide the nation with a list of notifiable diseases whose reporting to both the national and international authorities was mandatory. The Statutory Instrument was developed in order to facilitate the notification and reporting of any suspected disease outbreak from the list on the schedule in the Statutory Instrument. This

was a form of early warning system which would facilitate disease prevention and control interventions.

Committee's Observations and Recommendations

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

20.2 Statutory Instrument No. 84 of 2019 - The Fisheries (Fishing License Fees) (Amendment) Regulations, 2019

The Statutory Instrument was issued pursuant to sections 67 of the *Fisheries Act, No.22 of 2011*. The Statutory Instrument was issued to amend the Fisheries (Fishing License Fees) Regulations, Statutory Instrument No. 59 of 2008 so as to provide for kapenta fishing license on Lake Itzhi-tezhi and restructuring the payment of fees for conveyance of fish, import and export permits for fish.

Committee's Observations and Recommendations

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

20.3 Statutory Instrument No. 85 of 2019 - The Fisheries (Amendment) Regulations, 2019

The Statutory Instrument was issued pursuant to sections 67 of the *Fisheries Act, No.22 of 2011*. The Statutory Instrument was issued to amend the Principal Fisheries Regulations; Statutory Instrument No. 24 of 2012 so as to:

- i. introduce the commercial fishing license;
- ii. prohibit the use of non-biodegradable nets such as monofilament in commercial fishing areas;
- iii. prescribe the fishing period for the Upper Kafue and Itzhi-tezhi fisheries in Table B of the Principal Regulations; and
- iv. include into the second schedule to the Statutory Instrument the prescribed form for commercial fishing license.

Committee's Observations and Recommendations

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

PART II

21. CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION FOR THE THIRD 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

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

21.1.1. Visit to Zambia Railways Limited Headquarters

After visiting Zambia Railways Limited Headquarters in Kabwe, the Committee in the previous session had observed that although Zambia Railways had taken some significant steps towards the implementation of the Statutory Instrument, it was faced with huge financial and operational difficulties.

The Committee had recommended that the Government should urgently inject capital into the company so that it could purchase new locomotives and improve and expand the railway system.

Executive's Response

The Committee was informed in the Action-Taken Report (ATR) that the Government, through the Ministry of Transport and Communications, had prioritised the recapitalisation of Zambia Railways Limited and was in the process of mobilising funds for the recapitalisation of the railway line.

Committee's Observations and Recommendations

The Committee resolves to await a progress report since it has been reported that the Government is in the process of mobilising funds for the recapitalisation of the railway company.

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

In order to appreciate the implementation of the Statutory Instrument, the Committee in the previous session visited the Councils as set out hereunder.

21.2.1. Visit to Samfya Town Council

The Committee was concerned that despite the issuance of Statutory Instrument No. 44 of 2017 by virtue of which Samfya Town Council was declared a Fire Authority, virtually nothing had been done by the Ministry of Local Government to assist the Council to actualise its fire authority status. The Committee had recommended that the Government should urgently assist the Council to acquire a fire tender and to fill the vacant positions in its structure so that it could commence operations as a fully-fledged Fire Authority.

The Committee had also recommended that through the Local Government Equalisation Fund, Samfya Town Council should make an effort to purchase some fire equipment such as uniforms and protective clothing for its officers and to prioritise the construction of a fully equipped fire station to house the fire brigade and the fire engine once procured.

Executive's Response

It was stated in the Action-Taken Report that the Local Government Service Commission had so far deployed four officers to Samfya Town Council and more were expected to be deployed when equipment was acquired. Currently, the Ministry of Local Government was still mobilising resources to acquire appropriate fire fighting equipment which would include a fire tender.

The Executive also reported that local authorities, including Samfya, were strongly encouraged to utilise the Local Government Equalisation Fund to finance activities for service provision, which included fire services and to construct simple standard fully equipped fire stations with master bays to house the fire engines. Further, the Government, in 2015, gave a policy directive to all local authorities to plough back 50 per cent realised from fire certification to the Fire Department to procure the necessary items or fire fighting equipment required for their operation.

Committee's Observations and Recommendations

In view of the above response, the Committee resolves to request for a progress report on the matter and specifically on the use of the Local Government Equalisation Fund and money realised from fire certification services as well as steps taken towards the construction of a fire station.

21.2.2. Visit to Mansa Municipal Council

The Committee had observed that there were a lot of vacancies in the establishment of Mansa Municipal Council Fire Services Department despite the Council being responsible for provision of fire services to other districts which did not have these facilities.

The Committee had urged the Ministry of Local Government, through the Local Government Service Commission, to deploy fire officers to Mansa in order to fill the existing vacancies in the Fire Services Department. The Committee had also called for the recruitment of officers with expertise in the provision of marine rescue services so as to seal the existing gap in service provision.

Executive's Response

The Executive reported in the Action-Taken Report that the Local Government Service Commission was addressing the issue from a national perspective by deploying fire officers to various local authorities with vacancies. This included Mansa Municipal Council. With regard to marine services, the Executive reported that the Ministry of Local Government would facilitate the marine training of fire officers already in service. So far, two training programmes had been scheduled as follows: the Marine and Deep Water Rescue Course (9th to 27th September, 2019) and the Open Water Recue (28th October to 15th November, 2019).

Committee's Observations and Recommendations

In noting the response, the Committee resolved to await a progress report on the deployment of fire officers and to be updated on the outcome of the marine training programmes and how they will benefit Mansa Municipal Council.

The Committee had also observed that despite the Council having the necessary fire equipment, it did not have a proper fire station to house the fire brigade. Further, the living conditions in the officers' dormitories were deplorable and not conducive for the officers to live in. In this regard, the Committee had recommended that the Ministry of Local Government should prioritise the construction of a proper fire station at the Council as well as improve the office and dormitory infrastructure for the fire officers.

Executive's Response

The Executive reported that the Government intended to construct eleven modern provincial and district fire stations and Mansa, being one of the provincial headquarters, would benefit from the planned project. However, this was dependant on the availability of resources. It was further reported that the local authority may use part of its Local Government Equalisation Fund and revenue realised from fire certification to rehabilitate the fire station to make it conducive for use as some councils had done.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await a progress report on the construction of a modern fire station and to be updated on the use of the Local Government Equalisation Fund to improve the living and working conditions for the fire officers.

21.2.2. Visit to Kasama Municipal Council

After its visit to Kasama Municipal Council, the Committee had recommended that the Council should allocate part of its Local Government Equalisation Fund towards the construction of a fire station at the designated site so that the fire brigade could be housed in a modern building befitting a provincial fire authority.

Executive's Response

The Government reported in the Action-Taken Report that it intended to construct eleven modern provincial and district fire stations and Kasama, being one of the provincial headquarters, would benefit from the intended project.

Committee's Observations and Recommendations

The Committee notes that there was no specific time-frame in Government's intention to construct modern provincial and district fire stations. The Committee, therefore, calls on the Government to indicate a time frame in which the project is to be undertaken and resolves to await a progress report.

The Committee had also recommended that the Council should, as a matter of urgency, install more fire hydrants in Kasama town so as to ensure that the Council was ready to efficiently attend to fire accidents. With regard to the lack of an emergency toll free number, the Committee urged the Council to urgently acquire such a number.

Executive's Response

In response, the Executive reported in the Action-Taken Report that the local authority had been advised to use revenue realised through fire certification to install fire hydrants. The local authority had also been encouraged to engage mobile service providers to install the emergency toll free line because that was one of the recommendations given to any Council that established a fire brigade

Committee's Observations and Recommendations

In noting the response, the Committee resolves to await a progress report on the installation of fire hydrants and an emergency toll free line.

The Committee had also urged the Council to consider sponsoring some of its officers to undertake training in marine rescue services.

Executive's Response

The Executive reported that the National Fire Service Training School had realigned its training courses and marine rescue training was in the School curriculum. A number of fire officers, especially from districts having water bodies, would be considered to undergo marine training in line with the training programmes of the School.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await a progress report on its specific recommendation to have officers from Kasama Municipal Council sponsored or trained in marine rescue services.

21.3. *Statutory Instrument No. 70 of 2018 - The Minimum Wages and Conditions of Employment (Shop Workers) (Amendment) Order, 2018*

The Committee had recommended that the Executive should adequately fund the Department of Labour under the Ministry of Labour and Social Security so that it could undertake robust labour inspections as well as sensitisation of both employers and employees on the contents of the Statutory Instrument.

Executive's Response

The Executive reported in the Action-Taken Report that the need for the Government to adequately fund the Department of Labour under the Ministry of Labour and Social Security was a noble cause as this would enhance the implementation of labour laws. In its current status, the Ministry was not able to reach out to all workplaces in the country and this had compromised service delivery. As recommended by the Committee, the Government would consider allocating more funds to labour inspections and awareness raising activities on labour laws through the subsequent annual budgetary allocations. The Government would also consider recruiting more labour officers in the near future to allow for robust labour inspections in the country.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await a progress report on the issue of funding to the Labour Department.

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

21.4.1 Visit to Kasama Airport

The Committee had observed that the development of Kasama airport was critical in accessing the northern tourism circuit and therefore, it should be given priority in terms of upgrading its infrastructure. The Committee was greatly concerned that construction of the runway had halted due to non-payment on the part of the Government. The Committee had urged the Government to ensure that funds were released towards the construction of the runway so that the aspiration of making Zambia an air transport hub could be realised.

Executive's Response

The Executive reported in the Action-Taken Report that the Government had prioritised the completion of this project. Kasama Airport was among the special projects that were 80 per cent and above complete. The project had been budgeted for in the 2019 budget and was scheduled for payment as and when funds were available.

Committee's Observations and Recommendations

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

21.4.2. Visit to Mansa Airport

The Committee had recommended that the expansion plans of the airport should be urgently funded by the Government in anticipation of the increased economic activities that had already begun taking place in Luapula Province.

Executive's Response

It was reported in the Action-Taken Report that the Government had plans to expand the runway from 1.7 Km to 2.5 Km in length and 45 metres in width, including the installation of runway lights. The Government had also developed standards for all provincial and strategic aerodromes. As such, the Government intended to upgrade the runways of all the ten aerodromes to 2.5 Km as stipulated by the standards.

Further, all the ten designated aerodromes would be upgraded to include fuelling facilities, passenger handling and cargo handling facilities, especially for exports, as set out in the developed standards.

Committee's Observations and Recommendations

The Committee resolves to await a progress report.

21.4.3. Visit to Mbala Airport

The Committee had observed that despite Mbala Airport being in a state where commercial flights could land and passengers attended to, little engagement with the general public and local or private airlines had been done. The Committee had recommended that more engagement, sensitisation and marketing should be done to avoid the risk of the facility becoming a white elephant.

Executive's Response

The Executive reported in the Action-Taken Report that the Ministry of Transport and Communications had been engaging airlines on the possibility of them commencing scheduled flights into Mbala Airport. Further, the Government through Zambia Airports Corporation Limited issued a notam to airlines operating in Zambia informing them that Mbala Airport was now open to scheduled flights.

Committee's Observations and Recommendations

In view of the above response, the Committee resolves to await an update on the volumes of commercial airlines landing in Mbala following the interventions by the Government.

The Committee had also observed that infrastructure development works under Phase II of the project had not commenced due to lack of finances. The Committee had urged the Government, through the Ministry of Transport and Communication, to prioritise the funding of Phase II of the project.

Executive's Response

The Executive reported in the Action-Taken Report that the Mbala Airport project was also among the list of special projects that were above 80 per cent complete and were earmarked for funding in 2019. Therefore, Phase II of the project would commence once funds were available.

Committee's Observations and Recommendations

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

With regard to the voluntary transfer of all persons who were in the service of the Government at designated airports as provided in section 23 of the *Civil Aviation Act, No. 5 of 2016*, the

Committee had observed that the affected workers in all the three airports visited, were still in the dark regarding the implications of the voluntary transfer on their employment status and conditions of service, especially that while under the Government service, they were under a pension scheme different from the one which the corporation subscribed to.

Concerned with the state of employment of such workers, the Committee recommended that the Government should urgently address this challenge as it could have some repercussions on the smooth implementation of the Statutory Instrument.

Executive's Response

In response, the Executive reported in the Action-Taken Report that the Ministry of Transport and Communications submitted a recommendation to the Public Service Management Division (PSMD) for the transfer of all Provincial Aerodrome Staff to Zambia Airports Corporation Limited. PSMD had since processed the recommendation and had submitted its recommendation to the Civil Service Commission (CSC) for approval. Once this was done, the transfer letters would then be sent to the Ministry of Transport and Communications for conveyance to the concerned employees.

Committee's Observations and Recommendations

The Committee notes the response and is concerned at the slow pace at which this matter is moving. The Committee resolves to await a progress report on the matter.

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

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

The Committee had resolved to request for an update with regard to the suggested amendments to the *Anti-Gender Based Violence Act, No. 1 of 2011* and the *Criminal Procedure Code, Chapter 88 of the Laws of Zambia* in order to provide for the time limits and time lines for the disposal of gender-based violence cases, as well as to allow for the admission of evidence via video link.

Executive's Response

It was reported in the Action-Taken Report that the Zambia Law Development Commission was still in the process of facilitating consultative meetings over the amendments to the *Anti-Gender Based Violence Act*. Once all consultative meetings were concluded and consensus reached by the various stakeholders on the amendments to the *Anti-Gender Based Violence Act*, the Amendment Bill would be submitted to the Ministry of Justice for drafting and finalisation.

With regard to the Criminal Procedure Code, the Zambia Law Development Commission had facilitated consultative meetings on amendments to the Criminal Procedure Code and were beginning to prepare a draft Bill. Once the draft Bill was finalised, it would be submitted to the Ministry of Justice for final drafting and finalisation.

Committee's Observations and Recommendations

The Committee is concerned that this process has been inordinately delayed. The Committee resolves to request for an update report on the matter.

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

The Committee had resolved to await a progress report on the matter.

Executive's Response

It was reported in the Action-Taken Report that the Government had deferred the implementation of the Statutory Instrument to 2022 as consultations with stakeholders were still on-going.

Further, consultations on the introduction of a waiver on duty to promote the importation of buses fixed with seatbelts were also still on-going. The Committee would be updated on implementation of the Statutory Instrument once consultations were concluded.

Committee's Observations and Recommendations

The Committee resolves to await a progress report since the matter was still under consultation

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

The Committee had resolved to await a progress report on the matter.

Executive's Response

The Executive reported in the Action-Taken Report that the construction of the district infrastructure in Mushindamo had not yet commenced. Currently, the Government was still focusing on completing all on-going projects and especially projects that were at 80 per cent and above before resources could be mobilised to embark on new projects.

Committee's Observations and Recommendations

The committee resolves to await a progress report

23. Conclusion

During the period under review, the Committee considered a total of seventy three 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 usual 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 invaluable support rendered to it throughout this Session.

Mr A B Malama, MP
CHAIRPERSON

June, 2020
LUSAKA

APPENDIX I

List of National Assembly Officials

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