



**REPUBLIC OF ZAMBIA**

**REPORT**

**OF THE**

**COMMITTEE ON CABINET AFFAIRS**

**ON THE**

**LAND (PERPETUAL SUCCESSION) BILL, N.A.B. NO. 66 OF 2026**

**FOR THE**

**FIFTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY**

*Published by the National Assembly of Zambia*

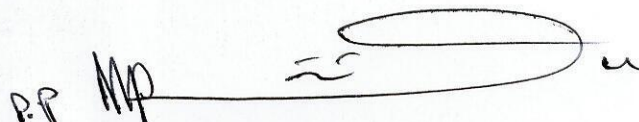
## **FOREWORD**

Honourable Madam Speaker, the Committee on Cabinet Affairs has the honour to present its Report on the Land (Perpetual Succession) Bill, N.A.B. No. 66 of 2026, for the Fifth Session of the Thirteenth National Assembly. The functions of the Committee are set out under Standing Orders 206(m) and 207(j) of the National Assembly of Zambia Standing Orders, 2024.

The Committee held four (4) meetings to consider the Bill. In order to gain insight into the ramifications of the Bill, the Committee sought both written and oral submissions from various stakeholders. The list of stakeholders is at Appendix II of the Report.

The Report is in three parts. PART I highlights the background, objectives and salient provisions of the Bill, PART II covers concerns raised by stakeholders and PART III contains observations and recommendations made by the Committee.

The Committee wishes to pay tribute to all stakeholders who appeared before it and tendered both oral and written submissions. It further wishes to thank you, Madam Speaker, for affording it an opportunity to study the Land (Perpetual Succession) Bill, N.A.B. No. 66 of 2026. The Committee also appreciates the services rendered by the Office of the Clerk of the National Assembly during its deliberations.

  
P.P. MP  
Andrew Z. Lubusha,  
**CHAIRPERSON**

May, 2026  
**LUSAKA**

**ACRONYMS**

FATF – Financial Action Task Force

PIA – Pensions and Insurance Authority

PSRA – Pension Scheme Regulation Act

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## **1.0 MEMBERSHIP OF THE COMMITTEE**

Mr Andrew Z Lubusha, MP (Chairperson); Ms Sibeso Sefulo, MP (Vice Chairperson); Mr Elias Musonda, MP; Mr Peter Phiri, MP; Mr Kaliye Mandandi, MP; Mrs Chushi Kasanda, MP; Rev Given Katuta Mwelwa, MP; Mr Newton Samakayi, MP; Dr Christopher Kalila, MP; and Mr Cliff Mpundu, MP.

## **PART I**

### **2.0 BACKGROUND**

The Land (Perpetual Succession) Bill, N.A.B No. 66 of 2026 seeks to repeal and replace the *Land (Perpetual Succession) Act, Cap. 186 of the Laws of Zambia*. The primary intent of the Bill is to modernise the legal framework for the incorporation of trusts, shifting from a basic registration system to a robust regulatory environment that ensures the perpetual succession of land while enhancing transparency and accountability.

The current Act primarily focuses on the mechanics of vesting land in registered trustees, with limited oversight regarding the actual identities of those who control or benefit from such trusts. Consequently, there is a critical need to update the legislation to align with international standards, specifically the Financial Action Task Force (FATF) recommendations. This move addresses growing global and domestic concerns regarding the potential for trusts to be used for illicit financial activities, such as money laundering and terrorism financing.

The Bill, once enacted, will establish a comprehensive system for the disclosure of beneficial ownership information, and mandate stricter duties for trustees. It aims to provide for the preparation and maintenance of detailed registers of beneficial owners, strengthen the investigative powers of competent authorities, and promote international cooperation in the exchange of information related to registered trusts.

### **3.0 OBJECTS OF THE BILL**

The objects of this Bill are to repeal and replace the *Land (Perpetual Succession) Act, Cap. 186 of the Laws of Zambia* so as to:

- (i) provide for the incorporation of a trust for the purposes of perpetual succession to land;
- (ii) provide for the appointment and duties of trustees of a registered trust;
- (iii) give effect to the financial action task force recommendations relating to beneficial ownership of a registered trust;
- (iv) repeal and replace the Land (Perpetual Succession) Act; and
- (v) provide for matters connected with, or incidental to, the foregoing.

### **4.0 SALIENT PROVISIONS OF THE BILL**

## **PART II**

### **ADMINISTRATION**

#### **Clause 4 – Administration of the Act**

The clause seeks to provide for the person responsible for the administration of the Act and sets out their functions which include, among others, to receive and consider application for incorporation of trusts, issue certificates of incorporation for registered trusts, and receive and investigate complaints under the Act.

## **PART III**

### **INCORPORATION OF TRUSTS**

#### **Clause 5 – Application for Incorporation**

The clause sets out the procedure and requirements for the incorporation of a trust.

#### **Clause 6 – Declaration of Compliance**

The clause requires an application for the incorporation of a trust to be accompanied by a declaration of compliance and provides for the person who shall make the declaration.

The clause also provides a sanction for a person who makes a false declaration.

#### **Clause 7 – Grant or Rejection of Application for Incorporation**

The clause mandates the Minister to grant or reject an application for incorporation of a trust within sixty days of receipt of an application and sets out the procedure to be followed in the event the application is granted or rejected.

#### **Clause 8 – Suspension or Revocation of Certificate of Incorporation**

The clause empowers the Minister to suspend or revoke a certificate of incorporation and sets out the grounds on which the Minister may suspend or revoke a certificate of incorporation which include, among others, obtaining the certificate of incorporation through fraud, misrepresentation or concealment of a material fact and failing to comply with a term and condition of the certificate of incorporation.

Further, the clause sets out the procedure to be followed by the Minister before suspending or revoking a certificate of incorporation.

#### **Clause 9 – Change in Particulars**

The clause mandates a trustee of a registered trust to notify the Minister of any change in particulars relating to the registered trust in a prescribed manner and form within seven days of the change.

#### **Clause 10 – Prohibition of Transfer of Certificate of Incorporation**

The clause prohibits the transfer of a certificate of incorporation issued under Part III of the Act to a third party.

#### **Clause 11 – Display of Certificate of Incorporation**

The clause mandates a registered trust to display a certificate of incorporation in a conspicuous place at the place of business or premises of the registered trust.

#### **Clause 12 – Effect of Incorporation**

The clause provides that a registered trust is a body corporate with perpetual succession.

#### **Clause 13 – Common Seal of Registered Trust**

The clause mandates a registered trust to have a common seal which shall bear the names of the registered trust and the words “registered trustees” in legible letters.

Further, the clause sets out the procedure to be followed when affixing a seal of a registered trust and the purpose for which it can be affixed.

## Part IV

### APPOINTMENT, DUTIES AND OBLIGATIONS OF TRUSTEES

#### **Clause 14 – Appointment of Trustee**

The clause mandates a settler to appoint a suitably qualified person as a trustee of a registered trust who shall be responsible for the management and administration of the registered trust. Further, the clause provides for the qualifications for a person to be appointed as a trustee.

#### **Clause 15 – Duties of Trustee**

The clause provides for the duties of a trustee of a registered trust when managing and administering a registered trust which include, among others, to act with care, diligence and skill reasonably expected of a person managing and administering affairs on behalf of another person, act in the best interests of the beneficiaries of the registered trust and act honestly and in good faith.

#### **Clause 16 – Records Kept at Registered Trust's Office**

The clause sets out the records that a trust is required to keep and maintain at its registered office, which include, a register of beneficial owners of the registered trust specifying the particulars and the record of particulars specified under section 5.

#### **Clause 17 – Basic and Beneficial Information to be Adequate, Accurate and Up-To-Date**

The clause mandates a trustee of a registered trust to obtain and hold basic and beneficial information that is adequate, accurate and up-to-date. Further, the clause mandates a trustee to notify the Minister of any change in the information kept and maintained under the provision.

#### **Clause 18 – Registered Trust to Cooperate with Competent Authority or Reporting Entity**

The clause mandates a registered trust to, among others, cooperate with a competent authority to the fullest extent possible in determining the beneficial owner, including making the information available to a competent authority in a timely manner and cooperate with a reporting entity to provide adequate, accurate and up-to-date information on the company's beneficial ownership information in a timely manner.

In addition, the clause mandates a registered trust to notify a reporting entity where there is a change in the beneficial ownership information provided to a reporting entity.

Further, the clause provides for a sanction for failure to comply with the provision.

#### **Clause 19 – Compliance with Regulatory Requirements for Prevention and Combating of Money Laundering and Terrorism Financing, Proliferation Financing or Other Serious Offence**

The clause mandates a registered trust to ensure that the registered trust complies with regulatory requirement under Act or any other written law for the prevention and combating of money laundering, terrorism financing, proliferation financing or any other serious offence.

Further, the clause provides for a sanction for failure to comply with the provision.

#### **Clause 20 – Annual Return**

The clause mandates a registered trust to lodge an annual return with the Minister in a prescribed manner and form within ninety days after the end of each financial year.

Further, the clause mandates a trustee to sign the annual returns and provides for the information that should be included in the annual return.

**Clause 21 – Trustee Not to Contravene Act, Trust Deed or Constitution of Association**

The clause mandates a trustee of a registered trust to act in manner that does not contravene the Act a trust deed or constitution of an association and imposes a penalty on a trustee of a registered trust that contravenes the provision.

**PART V**

**CHANGE OF NAME OF REGISTERED TRUST**

**Clause 22 – Application for Change of Name**

The clause permits a trustee of a registered trust to apply to the Minister to change the name of the registered trust and sets out the procedure to be followed for the name change.

The clause further sets out the procedure to be followed by the Minister before granting or rejecting an application for change of name.

**Clause 23 – Registration of Change of Name in Miscellaneous Register**

The clause mandates the Minister to cause to be registered the new name of a registered trust in the Miscellaneous Register where the Minister approves an application for change of name of a registered trust.

**PART VI**

**GENERAL PROVISIONS**

**Clause 24 – Information to Be Kept Adequate, Accurate and Up to Date**

The clause mandates the Minister to keep and maintain adequate, accurate and up-to-date information relating to beneficial owners, settlors and trustees of a registered trust.

**Clause 25 – Register of Registered Trusts and Register of Beneficial Owners**

The clause mandates the Registry of Deeds to keep and maintain a register of registered trusts and register of beneficial ownership information in which shall be entered information provided in section 5.

**Clause 26 – Periodic Review and Verification of Record of Particulars, Documents and Information in Register of Registered Trusts and Beneficial Owners**

The clause mandates the Registry of Deeds to conduct a periodic review and verification of, among others, record of particulars and record of documents entered in the Register of registered trusts, information entered in the Register of beneficial owners, and request a registered trust to update its record of particulars, documents and information in a prescribed manner and form for purposes of ensuring that the record of particulars, documents and information is adequate, accurate and up-to-date.

Further, the clause mandates a registered trust to comply with a request from the for information under the provision within thirty days of receiving the request for information.

The clause further provides a sanction for failure to comply with the provision.

**Clause 27 – Access to Basic or Beneficial Ownership Information**

The clause, among others, mandates a competent authority, law enforcement agency or the Financial Intelligence Centre to obtain timely access to basic and beneficial ownership information held by a public authority or body, other competent authority or reporting entity which hold basic or beneficial ownership information.

**Clause 28 – International Cooperation**

The clause, among others, mandates mandate the Minister to constructively and effectively cooperate and coordinate with the Financial Intelligence Centre, a law enforcement agency, foreign counterpart and competent authority to provide international cooperation in relation to basic and beneficial ownership information as prescribed.

**Clause 29 – Retention of Record**

The clause sets out the period for retention of records, books or documents required to be kept in accordance with the Act by a registered trust.

**Clause 30 – Electronic Filing of Documents**

The clause empowers the Minister to promulgate a statutory instrument that provides for electronic filing of information or documents to be lodged, filed or submitted under the Act through an electronic platform kept and maintained by the Ministry or third party acting on behalf of the Ministry.

**Clause 31 – Petition**

The clause permits a person to file a petition with the High Court where that person has a legitimate interest in a registered trust and intends to inquire into a matter that relates to the beneficiaries or trustees of that registered trust.

**Clause 32 – Appeal**

The clause permits a person aggrieved with a decision of the minister to appeal to the High Court within thirty days of the decision.

**Clause 33 – Offences by Principal Officers of Body Corporate or Unincorporated Body**

The clause seeks to hold a principal officer of a body corporate or an unincorporated body liable for an offence committed by that body corporate or unincorporated body with the knowledge, consent or connivance of the principal officer.

**Clause 34 – General Penalty**

The clause provides for a general penalty for a person convicted of an offence under the Act for which a penalty is not specified

**Clause 35 – Administrative Penalty**

The clause empowers the Minister to impose an administrative penalty on a person who fails to comply with a provision of the Act which is not an offence.

**Clause 36 – Regulations**

The clause empowers the Minister to make Regulations for the better carrying out of the provisions of the Act, which includes, among others, Regulations to provide for the manner and form of making applications under the Act and the fees payable.

## **Clause 37 – Repeal of Cap. 186 and Savings and Transitional Provisions**

The clause repeals the Land (Perpetual Succession) Act, Cap. 186, and sets out the savings and transitional provisions once the Act is operationalised.

## **PART II**

### **5.0 SUBMISSIONS AND CONCERNS FROM STAKEHOLDERS**

The stakeholders generally supported the principle of the Land (Perpetual Succession) Bill, 2026, noting that it is a progressive step toward modernising trust law and enhancing transparency in land administration. However, they raised a significant range of specific concerns regarding administrative uncertainty, the concentration of executive power, and technical misalignments with international financial standards. The detailed concerns are set out below.

#### **5.1. Section 2 – Interpretation**

##### **5.1.1. Inexhaustive Definition of “Beneficial Owner”**

Stakeholders argued that the current definition of a "beneficial owner" is too narrow and does not fully align with Financial Action Task Force (FATF) Recommendation 25 which requires countries to ensure that trustees obtain and hold adequate, accurate and up-to-date information on the beneficial ownership of legal arrangements. They observed that the Bill lacks a "catch-all" concept to include any other natural person exercising ultimate effective control over a trust. It was submitted that without this inclusion, the provision risks being assessed as only partially compliant during international reviews, as it may allow complex trust structures to conceal their true controllers.

##### **5.1.2. Definitions for Pension Schemes**

Stakeholders observed that the term "settlor" is incorrectly applied to pension schemes in the interpretation section. They argued that a pension scheme is the entity being created rather than the party initiating the trust.

They recommended that the definition be revised to refer to a "person for purposes of creating a pension scheme" to accurately reflect the legal relationship between the employer or individual and the trust.

#### **5.2. Section 5 – Application for Incorporation**

##### **5.2.1. Broadening the Scope of Incorporation**

Stakeholders noted that Section 5 limits the application for incorporation to settlors who intend to transfer ownership of land. They argued that this does not account for trusts created for pension schemes, which require incorporation to receive contributions and manage assets before land is even acquired.

They recommended that the clause be expanded to include the intent to create a trust for purposes of a pension scheme to ensure these entities have legal standing from their inception.

##### **5.2.2. Penalties for False Declarations**

Stakeholders raised concerns regarding the penalty for making false declarations during the application process. They submitted that the current fine of 300,000 penalty units may not be sufficiently inhibitive as required by international anti-money laundering standards.

They proposed that these penalties be re-evaluated to ensure they act as a strong deterrent against the misuse of land trusts.

### **5.3. Section 4 – Administration of the Act**

#### **5.3.1. Concentration of Ministerial Authority**

Stakeholders expressed concern over the extensive discretionary powers granted to the Minister to grant, reject, suspend, or revoke certificates. They argued that the absence of clearly defined criteria for exercising these powers may lead to arbitrary decisions.

They recommended the establishment of independent oversight or clearer regulatory mechanisms to safeguard against potential abuse of discretion.

### **5.4. Section 8 and 14 – Governance and Revocation**

#### **5.4.1. Mandatory Consultation for Pension Trusts**

Regarding the power to revoke a certificate of incorporation, stakeholders observed that doing so for a pension scheme trust could leave members' interests unprotected. They proposed that the Bill be amended to require the Minister to consult with specialised regulatory bodies, such as the Pensions and Insurance Authority (PIA), before taking any action that would suspend or revoke the legal status of a pension scheme.

#### **5.4.2. Conflict in Trustee Appointments**

Stakeholders pointed out that the Bill's trustee appointment process conflicts with the Pension Scheme Regulation Act (PSRA). While the Bill empowers only the settlor to appoint trustees, the PSRA mandates that both the settlor and beneficiaries participate in the appointment process.

Stakeholders recommended that the Bill be amended to ensure that the appointment requirements are complementary and do not create legal contradictions for regulated entities to avoid uncertainties or compliance challenges.

### **5.5. Section 17 and 18 – Information and Cooperation**

#### **5.5.1. Response Timelines for Data Requests**

Stakeholders criticised the 14-day timeline for trustees to provide beneficial ownership information upon request. They argued that this does not meet the FATF requirement for timely access, which is generally understood to mean without delay.

They proposed that the response time be reduced to 24 hours to ensure that law enforcement and the Financial Intelligence Centre can act effectively against financial crimes.

#### **5.5.2. Post-Involvement Record Retention**

Stakeholders observed that the Bill lacks a requirement for trustees to maintain records after their involvement with a trust ends. They noted that international standards require information to be kept for at least five years after a trustee leaves their position.

They recommended the insertion of a specific clause to enforce this continued obligation for record retention.

## **5.6. General Administrative and Drafting Concerns**

### **Sanctions Framework**

Stakeholders expressed conflicting views on penalties; while some argued that fines must be more dissuasive to stop money laundering, others warned that over-criminalising technical breaches could deter qualified individuals from serving as trustees in community or voluntary contexts.

### **Drafting Inconsistencies**

Stakeholders noted technical drafting errors on page 21 of the Bill, specifically the misalignment of side notes for Sections 30 through 33, which could affect statutory interpretation and clarity.

## **PART III**

### **6.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS**

Having scrutinised the written and oral submissions from a broad spectrum of stakeholders, the Committee notes that the Land (Perpetual Succession) Bill, N.A.B. No. 5 of 2026, represents a pivotal and progressive milestone in the evolution of Zambia's land and trust laws. While the Committee applauds the initiative to synchronise domestic legislation with international financial transparency standards, it observes that the Bill, in its current form, contains several legal ambiguities and regulatory overlaps that necessitate legislative refinement. To ensure that the final Act is both operationally viable and constitutionally sound, the Committee presents the following observations and recommendations.

**6.1** The Committee observes that the Minister is given wide discretionary powers to grant or revoke certificates without clear criteria. It recommends that the Bill be improved by including objective guidelines for such decisions and by introducing independent oversight to prevent arbitrary use of power.

**6.2** The Committee observes that the definition of "beneficial owner" in Clause 2 is too narrow and does not include the broad "catch-all" concept of control required by Financial Action Task Force Recommendation 25. This may result in an unfavourable international assessment of Zambia's regulatory system.

The Committee, therefore, recommends that the definition be expanded to include any natural person who ultimately exercises effective control over a trust. It further observes that the 14-day period for providing information under Clause 18 does not meet the international standard for timely access. The Committee recommends reducing this period to 24 hours to allow authorities to respond quickly to illicit financial activities.

**6.3** The Committee observes that certain provisions of the Bill are inconsistent with the *Pension Scheme Regulation Act, Chapter 255 of the Laws of Zambia* particularly in relation to the appointment of trustees and the definition of a "settlor". It notes that a pension scheme is the purpose of a trust rather than the settlor itself.

The Committee therefore recommends that the interpretation section be amended to define a settlor as the person or entity that establishes the pension scheme.

**6.4** The Committee observes that Clause 5 limits incorporation to trusts intended for the transfer of land. It considers this scope too narrow, as it does not accommodate pension trusts which must be established before acquiring land.

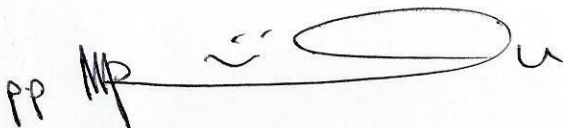
The Committee therefore recommends that the scope be widened to include trusts created for pension scheme purposes. It further observes that the Bill does not require former trustees to retain records after their involvement ends. The Committee recommends adding a provision requiring records to be kept for at least five years after a trustee has ceased involvement.

## **7.0 CONCLUSION**

The Committee supports the Bill. Once enacted, the Land (Perpetual Succession) Bill, 2026, will serve as a transformative piece of legislation, fundamentally modernising Zambia's approach to land trusts and ensuring the legal framework is robust enough to meet contemporary challenges. By integrating the Financial Action Task Force (FATF) recommendations into domestic law, this Bill will bolster the nation's integrity within the global financial system and provide the necessary tools to combat illicit financial activities.

The Committee, however, strongly urges the Executive to review and incorporate the stakeholders' submissions as detailed in this report. Addressing the identified gaps, particularly concerning the protection of pension beneficiaries and the clarification of ministerial oversight, is essential to ensure the Bill is not only compliant with international standards but also remains domestically inclusive and practically sound.

We have the honour to be, Madam Speaker, the Committee on Cabinet Affairs, mandated to consider the Land (Perpetual Succession) Bill, N.A.B. No. 66 of 2026.



Andrew Z Lubusha  
**CHAIRPERSON**

May, 2026  
**LUSAKA**

## **APPENDIX I - NATIONAL ASSEMBLY OFFICIALS**

Mr Charles Haambote, Director (Social Committees)

Mrs Chitalu K Mumba, Deputy Director (Social Committees)

Mr Darius Kunda, Senior Committee Clerk (SC1)

Mr Andrew T Siwale, Committee Clerk

Ms Ruth Nambule, Administrative Assistant

Mr Daniel Lupiya, Senior Committee Assistant

Mr Muyembi S Kantumoya, Committee Assistant

Ms Taona Chabinga, Committee Assistant

Ms Emma Mwandila, Intern

Ms Dorothy Kapanji, Intern

## **APPENDIX II – LIST OF WITNESSES**

Financial Intelligence Centre

Law Association of Zambia

Ministry of Justice

Ministry of Lands and Natural Resources

Pensions and Insurance Authority