



**REPUBLIC OF ZAMBIA**

**REPORT**

**OF THE**

**COMMITTEE ON DELEGATED LEGISLATION**

**FOR THE**

**FIRST SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY**

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# **REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION FOR THE FIRST SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY**

## **1.0 MEMBERSHIP OF THE COMMITTEE**

The Committee consisted of Mr Remember C Mutale, MP (Chairperson); Ms Emeldah Munashabantu, MP (Vice Chairperson); Mr Jeffrey Mulebwa, MP; Mr Gregory Ngowani, MP; Mr Kenny Siachisumo, MP; Mr Siphon Hlazo, MP; Mr Phillimon Twasa, MP; Mr Christopher Chibuye, MP; Mr Misheck Nyambose, MP; and Mr Joseph Malanji, MP

The Honourable Madam Speaker  
National Assembly  
Parliament Buildings  
**LUSAKA**

Madam

The Committee has the honour to present its Report for the First Session of the Thirteenth National Assembly.

## **2.0 FUNCTIONS OF THE COMMITTEE**

The functions of the Committee are set out in Standing Order No. 193 of the *National Assembly Standing Orders, 2021*.

## **3.0 MEETINGS OF THE COMMITTEE**

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

## **4.0 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 as well as the Committee's local tour report, while the second part consists of the review of the Action-Taken Report on the Report of the Committee for the Fifth Session of the Twelfth National Assembly.

## **5.0 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 AND NATIONAL PLANNING**

- i) Statutory Instrument No. 75 of 2020 - The Customs and Excise (Suspension) (Copper Ores and Concentrates) (No. 4) Regulations, 2020*

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 this Statutory Instrument was to suspend the ten percent export duty applicable on copper ores and concentrates.

#### **Committee's Observations and Recommendations**

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

- ii) Statutory Instrument No. 76 of 2020 - The Customs and Excise (Suspension) (Fuel) Regulations, 2020*

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia*. The Committee learnt that the Statutory Instrument intended to suspend to zero percent, the customs duty on specified quantities of diesel and petrol when imported by Oil Marketing Companies approved by the Ministry of Energy. The suspension was valid for a period of five months from April to September, 2020. This was intended to ensure security of supply for petroleum products in the country during the period when Indeni Petroleum would be shutdown.

#### **Committee's Observations and Recommendations**

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

- iii) Statutory Instrument No. 77 of 2020 - The Customs and Excise (Suspension) (Mukula) Regulations, 2020*

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia*. The Committee learnt that this piece of legislation was issued in order to suspend the ten percent export duty applicable on Mukula logs. The suspension was applicable on 4,200 metric tonnes exported by the Zambia Agency for Persons with Disabilities.

#### **Committee's Observations and Recommendations**

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

*iv) Statutory Instrument No. 78 of 2020 - The Customs and Excise (General) (Amendment) Regulations, 2020*

The Statutory Instrument was issued pursuant to section 89 of the Customs and Excise Act, Chapter 322 of the Laws of Zambia. This Statutory Instrument intended to list the Trade Mark East Africa (TMEA), in the Third Schedule to the Customs and Excise Act. The Committee learnt that the Third Schedule lists donors as approved by the Minister responsible for Finance.

The Committee was informed that the Trade Mark East Africa provides grants for the establishment and improvement of boarder infrastructure.

**Committee's Observations and Recommendations**

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

*v) Statutory Instrument No. 81 of 2020 - The Value Added Tax (Zero-Rating) (Amendment) Order, 2020*

The Statutory Instrument was issued pursuant to sections 15 and 51 of the *Value Added Tax Act, Chapter 331 of the Laws of Zambia*. The objective of this Statutory Instrument was to zero-rate the supply of selected full body sanitisation equipment. The Committee learnt that this was necessary to aid the fight against COVID – 19.

**Committee's Observations and Recommendations**

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

*vi) Statutory Instrument No. 82 of 2020 - The Income Tax (Double Taxation Relief) (The Swiss Confederation) Order, 2020*

The Statutory Instrument was issued pursuant to section 74 of *the Income Tax Act, Chapter 323 of the laws of Zambia*. This Statutory Instrument intended to operationalise the Avoidance of Double Taxation Agreement between the Swiss Confederation and the Republic of Zambia.

**Committee's Observations and Recommendations**

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

*vii) Statutory Instrument No. 88 of 2020 - The Customs and Excise (Customs Duty) (Suspension) (Medical Supplies) (No. 2) Regulations, 2020*

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to suspend customs duty on medical supplies for use in the fight against the novel Covid-19. The Committee learnt that this Statutory Instrument stood revoked on 30<sup>th</sup> September, 2020 and had since been extended for another one year.

### **Committee's Observations and Recommendations**

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

**viii) *Statutory Instrument No. 89 of 2020 - The Value Added Tax (Zero Rating) (Amendment) Order, 2020***

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 intended to zero-rate VAT on medical supplies for use in the fight against Covid-19. The Committee learnt that this Statutory Instrument stood revoked on 30<sup>th</sup> September, 2021 and had since been extended by one year.

### **Committee's Observations and Recommendations**

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

**ix) *Statutory Instrument No. 90 of 2020 - The Customs and Excise (Suspension) (Maize) (Regulations, 2020)***

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to suspend the ten percent export duty on maize. The suspension was effected upon recommendation from the Ministry of Agriculture after extensive consultations with the Zambia National Farmers Union and other stakeholders. The Committee was informed that the suspension only applied on 42,994.49 metric tonnes exported by selected farms.

### **Committee's Observations and Recommendations**

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

**x) *Statutory Instrument No. 91 of 2020 - The Customs and Excise (Copper Ores and Concentrates) (Import Duty) (Suspension) Order, 2020***

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to suspend the ten percent export duty on 80,000 metric tonnes of copper ores and concentrates exported by Lumwana Mining Company Limited. The Committee was informed that the suspension was necessary to enable the company to sell off the excess concentrates.

### **Committee's Observations and Recommendations**

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

**xi) *Statutory Instrument No. 92 of 2020 - The Customs and Excise (Suspension) (Fuel) (No. 3) Regulations, 2020***

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

specified quantities of diesel and petrol when imported by five specified Oil Marketing Companies approved by the Ministry of Energy. The Committee was informed that the suspension was valid for a period of one year from 1<sup>st</sup> October, 2020 to 1<sup>st</sup> September, 2021. This was intended to ensure security of supply and price stability for petroleum products in the country.

### **Committee's Observations and Recommendations**

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

#### ***xii) Statutory Instrument No. 107 of 2020 - The Value Added Tax (Zero-Rating (Amendment) Order, 2020***

The Statutory Instrument was issued pursuant to sections 15 and 51 of *the Value Added Tax Act, Chapter 331 of the Laws of Zambia* with the objective to zero-rate the supply of all tractors with horse power above 90. Prior to this, only tractors of up to 90 horse power were zero-rated. The Statutory Instrument was intended to support the scaling up of agricultural productivity through mechanisation.

### **Committee's Observations and Recommendations**

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

#### ***xiii) Statutory Instrument No. 110 of 2020 – The Customs and Excise (Suspension) (Manufacturing) Regulations, 2020***

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to provide for a suspension of duty on manufacturing inputs imported by a local manufacturer and not available in Zambia.

### **Committee's Observations and Recommendations**

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

#### ***xiv) Statutory Instrument No. 111 of 2020 – The Customs and Excise (Suspension) (Refrigerated Trucks) Regulations, 2020***

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to suspend the duty applicable on refrigerated trucks for use in agro-processing. The measure was intended to support the domestic and export markets of perishable food.

### **Committee's Observations and Recommendations**

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



***xv) Statutory Instrument No. 112 of 2020 – The Customs and Excise (Suspension) (Biological Control Agent) Regulations, 2020***

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to suspend import duty on biological control agents used in the horticulture and floriculture subsectors. The measure was intended to revamp the subsector and to promote non-traditional exports.

**Committee’s Observations and Recommendations**

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

***xvi) Statutory Instrument No. 113 of 2020 - The Customs and Excise) (Suspension) (Motor Vehicles) Regulations, 2020***

The Statutory Instrument was issued pursuant to section 89 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to suspend import duty on safari game viewing vehicles, tourist buses and coaches. This measure was part of the Covid-19 relief measures.

**Committee’s Observations and Recommendations**

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

***xvii) Statutory Instrument No. 114 of 2020 - The Customs and Excise) (General) (Amendment) Regulations, 2020***

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:

- a) introduce penalties for failure to lodge a declaration for goods prior to importation;
- b) increase the exemption value of goods on which duty was not paid (petty consignments) to USD2000 from USD1000 for consignments imported by parcel post or air freight; and
- c) list companies approved for customs duty incentives in accordance with the Zambia Development Agency Act.

**Committee’s Observations and Recommendations**

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

***xviii) Statutory Instrument No. 115 of 2020 - The Customs and Excise (Ports of Entry and Routes) (Amendment) Order, 2020***

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 objective of the Statutory Instrument was to:

- a) extend operating hours for selected customs ports;
- b) specify the goods to be exported through customs ports and aerodromes; and
- c) specify that goods exported through the Victoria Falls Port shall be transported by rail.

### **Committee's Observations and Recommendations**

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

**xix) *Statutory Instrument No. 116 of 2020 - The Income Tax (Tax Agent) (Terms and Conditions) (Amendment) Regulations, 2020***

The Statutory Instrument was issued pursuant to section 7 of the *Income Tax Act, Chapter 323 of the Laws of Zambia*. The Statutory Instrument intended to increase the commission entitled to a tax agent appointed to collect base tax, turnover tax or tax on rental income, from three percent to ten percent.

### **Committee's Observations and Recommendations**

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

**xx) *Statutory Instrument No. 117 of 2020 - The Income Tax (Transfer Pricing) (Amendment) Regulations, 2020***

The Statutory Instrument was issued pursuant to sections 97 and 97D of the *Income Tax Act, Chapter 323 of the Laws of Zambia*. The objective of the Statutory Instrument was to amend Transfer Pricing Regulations in accordance with the OECDs Base Erosion and Profit Shifting (BEPS) recommendations.

### **Committee's Observations and Recommendations**

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

**xxi) *Statutory Instrument No. 120 of 2020 - The Income Tax (Local Content Allowance) Regulations, 2020***

The Statutory Instrument was issued pursuant to section 34B of the *Income Tax Act, Chapter 323 of the Laws of Zambia* so as to introduce a local content allowance for income tax purposes for utilisation of selected local raw materials to encourage local content and value addition. The Agricultural products allowed for local content allowance were cassava, pineapple and mango.

### **Committee's Observations and Recommendations**

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

**xxii) *Statutory Instrument No. 125 of 2020 - The Value Added Tax (Zero-Rating) (Amendment) Order, 2020***

The Statutory Instrument was issued pursuant to section 15 of the *Value Added Tax Act, Chapter 331 of the Laws of Zambia*. The objective of the Statutory Instrument was to zero-rate the supply of petrol and diesel to ensure stability in the price and supply of petrol and diesel.

### **Committee's Observations and Recommendations**

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

#### ***xxiii) Statutory Instrument No. 5 of 2021 - The Customs and Excise (Suspension) (Fuel) Regulations, 2021***

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 customs duty to K0.64 and K0.00 per litre on petroleum spirit (motor spirit) and automotive gas-oil respectively. The suspension was intended to maintain price stability of the two products.

### **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.

#### ***xxiv) Statutory Instrument No. 6 of 2021 - The Customs and Excise (Suspension)(Maize) Regulations, 2021***

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 extend the revocation date of Statutory Instruments No. 90 of 2020, the Customs and Excise (Suspension) (Maize) Regulation, 2020 so as to enable farmers export Maize.

### **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.

#### ***xxv) Statutory Instrument No. 9 of 2021 – The Public Procurement (Supplier Registration and Renewal Fees) Regulations, 2021***

The Statutory Instrument was issued pursuant to section 82 of the *Public Procurement Act, 2008* so as to prescribe application fees for supplier registration and renewal for supplier registration.

### **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.

#### ***xxvi) Statutory Instrument No. 12 of 2021 - The Customs and Excise (Suspension) (Aviation Support Equipment) Regulations, 2021***

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 intended to suspend the fifteen percent import duty on ground support equipment used to load and unload aircraft of passengers, their baggage and cargo. The suspension intended to support airport infrastructure development in line with the Seventh National Development Plan.

### **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.

***xxvii) Statutory Instrument No. 19 of 2021 - The Presidential Emoluments (Amendment) Regulations, 2021***

The Statutory Instrument was issued pursuant to section 2 of the *Presidential Emoluments Act, Chapter 261 of the laws of Zambia* so as to effect the increase on personal emoluments for the President. This increase was provided for in the 2021 approved National Budget.

### **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.

***xxviii) Statutory Instrument No. 20 of 2021 - The Ministerial and Parliamentary Offices (Emoluments) (Amendment) Regulations, 2021***

The Statutory Instrument was issued pursuant to section 2 of the *Ministerial and Parliamentary Offices (Emoluments) Act, Chapter 262 of the laws of Zambia* so as to effect the increase on personal emolument for Ministerial and Parliamentary office holders. This increase was provided for in the 2021 approved National Budget.

### **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.

***xxix) Statutory Instrument No. 26 of 2021 - The Public Procurement Act (Commencement) Order, 2021***

The Statutory Instrument was issued pursuant to section 1 of the *Public Procurement Act, No. 8 of 2020*. The objective of the Statutory Instrument was to set the commencement date of the *Public Procurement Act No. 8 of 2020*.

### **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.

***xxx) Statutory Instrument No. 31 of 2021 - The Customs and Excise (Suspension)(Wheat) Regulations, 2021***

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 waive the fifteen percent customs duty and the five percent Selected Goods Surtax (SGS) on wheat. The Committee was informed that the suspension intended to stabilise the prices of goods made from wheat and ensure food security.

### **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.

*xxxix) Statutory Instrument No. 38 of 2021 - The Insurance (Fidelity Fund) Regulations, 2021*

The Statutory Instrument was issued pursuant to sections 109, 111, 113, 114 and 115 of the *Insurance Act, 1997*. The objective of the Statutory Instrument was to establish the Fidelity Fund for purposes of indemnifying or protecting holders and beneficiaries of a policy held with an insurer that was not able to meet that insurer's liability.

### **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.

*xxxvii) Statutory Instrument No. 47 of 2021 - The Customs and Excise (General)(Amendment) Regulations, 2021*

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 in order to list the Saudi Fund for Development (SFD), in the Third Schedule to the Customs and Excise Act. The Third Schedule listed donors approved by the Minister responsible for Finance.

### **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.

*xxxviii) Statutory Instrument No. 50 of 2021 - The Pension Scheme (Investment Guidelines) Regulations, 2021*

The Statutory Instrument was issued pursuant to sections 25 and 46 of the *Pension Scheme Regulations Act* so as to prescribe Pension Scheme investment guidelines.

### **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.

*xxxix) Statutory Instrument No. 62 of 2021 - The Customs and Excise (Ports of Entry and Routes) (Amendment) Order, 2021*

The Statutory Instrument was issued pursuant to sections 13 and 199 of the *Customs and Excise Act, Chapter 322 of the Laws of Zambia* so as to extend operating hours for border agencies on selected customs ports.

### **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.

*xxxv) Statutory Instrument No. 63 of 2021 - The Customs and Excise (Suspension) (Edible Oils) Regulations, 2021*

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 edible oils in order to avoid an abrupt spike in the prices of cooking oil on the domestic market.

### **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.

*xxxvi) Statutory Instrument No. 64 of 2021 - The Value Added Tax (Zero-Rating) (Amendment) Order, 2021*

The Statutory Instrument was issued pursuant to sections 15 and 51 of the *Value Added Tax Act, Chapter 331 of the Laws of Zambia* so as to zero-rate the supply of edible oils in order to avoid an abrupt spike in the prices of cooking oil on the domestic market.

### **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.

## **7.0 MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL CORPORATION**

*i) Statutory Instrument No.15 of 2021 - The Diplomatic Immunities and Privileges (International Centre for Tropical Agriculture) Order, 2021*

The Statutory Instrument was issued in accordance with section 4 of the *Diplomatic Immunities and Privileges Act Chapter 20 of the Laws of Zambia* so as to confer immunities and privileges on the International Centre for Tropical Agriculture to enable it implement its activities effectively.

### **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.

## **8.0 MINISTRY OF COMMERCE, TRADE AND INDUSTRY**

*i) Statutory Instrument No. 33 Of 2021 - The Patents And Companies Registration Agency (Commencement) Order*

The Statutory Instrument was published in order to bring into force the new *Patents and Companies Registration Act, No. 4 of 2021* which repealed and replaced the *Patents and Companies Registration Act, No. 15 of 2010*.

## **Committee's Observations and Recommendations**

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

- ii) Statutory Instrument No. 35 Of 2021 - The Citizens Economic Empowerment (Transportation of Heavy and Bulk Commodities By Road) (Reservation) Regulations*

The Statutory Instrument was issued pursuant to section 21 of the *Citizens Economic Empowerment Act, 2006* so as to achieve the following:

- a) increase business opportunities for targeted citizens and companies in the transport sector;
- b) increase business ownership and opportunities for targeted citizens and companies;
- c) increase control of business income by targeted citizens and companies;
- d) expand national economic activity;
- e) proportionally reduce the externalization of business income;
- f) increase re-investment within Zambia; and
- g) expand employment opportunities.

## **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.

- iii) Statutory Instrument No. 55 Of 2021 - The Metrology (Measuring Instruments) Regulations*

The Statutory Instrument was issued pursuant to section 59 of the *Metrology Act, No. 6 of 2017* so as to:

- a) review and align the *Statutory Instrument No. 22 of 1998* to the *Metrology Act No.6 of 2017*;
- b) harmonise the technical regulations of *Statutory Instrument No 22 of 1998* to both regional and international best practices as provided for under Section 23(3) of the *Metrology Act*; and
- c) develop and align technical regulations in fulfilment of the requirements of Part VI (sections 22, 23, 24, 25, 26 and 27) of the *Metrology Act*

## **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.

- iv) Statutory Instrument No. 56 Of 2021 (Pre-packaged Commodities) Regulations*

The Statutory Instrument was issued pursuant to section 28 of the *Metrology Act No.6 of 2017* so as to:

- a) review the provisions of Part V of the *Weights and Measures Act Cap 403 of the Laws of Zambia*, that spoke to the management of pre-packaged commodities;

- b) develop and align technical regulations in fulfilment of the requirements of sections 28, 29 and 30 of the Metrology Act; and
- c) harmonise regulations for pre-packaged commodities with the regional and international recommendations as guided by regional and international metrology bodies.

### **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.

#### **v) *Statutory Instrument No. 59 Of 2021 - The Metrology (Certificate Of Competence)***

The Statutory Instrument was issued in accordance with sections 44 and 59 of the *Metrology Act No.6 of 2017* so as to:

- a) review and align the technical requirements for certification of persons as competent technicians as contained in the repealed Act; and
- b) harmonise the technical regulations to both regional and international best practices.

### **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.

#### **vi) *Statutory Instrument No. 61 Of 2021 - The Protection of Traditional Knowledge, Genetic Resources And Expressions of Folklore Regulations***

The Statutory Instrument was published in order to facilitate the implementation of the protection of traditional knowledge, genetic resources and expressions of folklore. It was expected that the publication of the Statutory Instrument would promote fairness and equitable distribution of the benefits derived from the exploitation of traditional knowledge, genetic resources and expressions of folklore.

### **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.

#### **vii) *Statutory Instrument No. 118 of 2020 - The Companies (Fees) (Amendment) Regulations***

The Statutory Instrument was issued so as to amend *Statutory Instrument No. 15 of 2019* - the Companies (Fees) Regulations by removing the discounted fee payable for online registration of a private company and the filing of annual returns made online on the e-PACRA system.

### **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.



## **9.0 MINISTRY OF EDUCATION**

### ***(i) Statutory Instrument No 96 of 2020 - The Higher Education Loans and Scholarships (Transfer of staff) Regulations, 2020***

The Statutory Instrument was made issued pursuant to section 37 (1) of the *Higher Education Loans and Scholarships Act No. 31 of 2016*. The aim of the Statutory Instrument was to facilitate the transfer of employees from the former Bursaries Committee and employed under the then Ministry of Higher Education and the Ministry of General Education, to the Higher Education Loans and Scholarships Board (HELBS). The Statutory Instrument provides that the terms and conditions of the employees transferred to the Board shall be no less favourable than those applicable while in the public service.

### **Committee's Observations and Recommendations**

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

### ***(ii) Statutory Instrument No. 104 of 2020 – The Service Commissions (Teaching Service Commission) Regulations, 2020***

The Statutory Instrument was issued pursuant to sections 10(2) and 41 of *the Service Commissions Act, No. 10 of 2017*.

The following were the objectives of the Statutory Instrument:

- a) to operationalise the Service Commissions Act No. 10 of 2016 in terms of delegated Human Resource Management Functions to the lower levels;
- b) to provide for a standardised and uniform approach on human resource management matters in the Teaching Service; and
- c) to revoke Statutory Instrument No.35 of 1970.

### **Committee's Observations and Recommendations**

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

## **10.0 MINISTRY OF HOME AFFAIRS AND INTERNAL SECURITY**

### ***i) Statutory Instrument No.103 of 2020 – The Service Commission (Zambia Police Service Commission) Regulations***

The Statutory Instrument was issued in accordance with sections 14 and 41 of *the Service Commission Act No. of 10 of 2016* to provide for:

- a) appointments, confirmation of appointments, promotions, transfers, regrading and secondments; and
- b) disciplinary procedures and separations.

## **Committee's Observations and Recommendations**

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

- ii) Statutory Instrument No.119 of 2020 – The Immigration and Deportation (General) (Amendment) Regulations*

This Statutory Instrument was issued pursuant to section 59 of *the Immigration and Deportation Act, No. 18 of 2010* so as to increase immigration permit fees to reflect recent local currency fluctuations against major international currencies.

## **Committee's Observations and Recommendations**

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

### **11.0 JUDICIARY**

- (i) Statutory Instrument No. 29 of 2021 - The Constitutional Court Amendment Rules*

The Statutory Instrument was issued pursuant to section 31 of the *Constitutional Court Act, No. 8 of 2016* so as to amend the principal rules contained in Statutory Instrument No. 37 of 2016.

## **Committee's Observations and Recommendations**

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

- (ii) Statutory Instrument No. 32 of 2021 – The Securities (Capital Market Tribunal) Rules, 2021*

The Statutory Instrument was issued pursuant to sections 188, 190 and 192 of the *Securities Act, 2016*. The rules were promulgated in order to operationalise the Capital Markets Tribunal that was established in 2016. The rules contained in the Statutory Instrument provide for inter-alia; the administration of the Tribunal registry and the operations of the office of the Registrar, commencement of proceedings, hearings before the Tribunal, decisions by the Registrar and Tribunal. The rules also provide for forms and fees payable by parties to a dispute

## **Committee's Observations and Recommendations**

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

### **12.0 MINISTRY OF JUSTICE**

- (i) Statutory Instrument No. 49 of 2021 – The Zambia Institute of Advanced Legal Education (Student) Rules*

The Statutory Instrument was issued pursuant to section 23 of the *Zambia Institute of Advanced Legal Education Act, Chapter 49 of the Laws of Zambia*, so as to prescribe rules relating to among others, examinations and enrolment of students.

## **Committee's Observations and Recommendations**

While noting that the Statutory Instrument was issued pursuant to the ZIALE Act, the Committee was alive to the public out-cry on the administration and implementation of the student rules, particularly with regard to the Legal Practitioners Qualifying Examinations.

In order to appreciate the implementation of the Statutory Instrument, the Committee held a public hearing at the Zambia Institute of Advanced Legal Education (ZIALE). The public hearing was held against the backdrop of stakeholder concerns on the high student failure rate at ZIALE. Stakeholders raised the following concerns:

- (i) the consultative process that culminated into the promulgation of the student rules was not broad enough as the students for whom the rules were intended were not consulted by the ZIALE Council;
- (ii) over the years the enrolment of students had increased in view of the many private and public universities offering the law degree. This had resulted in increased number of students, which put a strain on the training facilities at ZIALE including a disproportionate lecturer to student ratio, which reflected in the poor results;
- (iii) the student rules provided for six attempts at the Legal Practitioners Qualifying Examination (LPQE) to be taken within four years. Failure to pass within the prescribed period would result in a student being put on a five year ban. This was described as an infringement on the right to education and should be done away with;
- (iv) the rules provided that students who passed less than four exam heads at the first sitting would be deemed to have failed the entire exam and at the next sitting would be required to start afresh (de novo). This rule was viewed to be retrogressive in comparison to other professions like Accountancy, where students were credited with courses which they had passed;
- (v) Rule 21(2) which precluded students from accessing their marked scripts was viewed as being unfair as students were at the mercy of the markers and were denied the opportunity to know where they had gone wrong;
- (vi) the rules made it mandatory for students who were repeating examinations to attend repeaters classes at a fee, without regard to those who resided outside Lusaka;
- (vii) ZIALE was poorly funded by the Government for its operations, despite being a grant aided institution. This resulted in pushing the financial burden on the students who were charged high user fees and had to pay examination fees, per head, at each sitting;
- (viii) the increased number of universities offering the law degree had compromised the quality of students, which ultimately reflected in the poor results at ZIALE. This was compounded by the fact that ZIALE had no pre-entry examinations; and
- (ix) ZIALE had no form of pre-examination student evaluation or continuous assessment to ascertain the preparedness of student to sit for particular examination heads.

## **Committee's Observations and Recommendations**

In view of the stakeholder concerns raised during the public hearing, the Committee makes the following observations and recommendations:

- (i) the Committee is concerned at the perennial high failure rate of students at ZIALE, especially that students had to pay high examination fees each time they repeated an examination head. The Committee is of the view that the high failure rate was attributed to:
  - (a) the high enrolment rate which accounted for increased number of students (over 300) against one lecturer per course;
  - (b) lack of corresponding training facilities as the numbers have been increasing; and
  - (c) absence of a pre-entry exam to test the efficacy of the law degrees being offered by the many universities on the market.

The Committee, therefore, recommends that the above to be attended to in the rules if there is to be any improvement in the results being produced at the institute;

- (ii) the Committee observes that the consultative process that preceded the issuance of the rules was not inclusive of the students who were the user. It is, therefore, recommended that the rules that had been highlighted as being problematic, be subjected to broader stakeholder consultations to come up with rules that will be acceptable by all;
- (iii) the Committee observes that the students are at the receiving end of high user and exam fees because the Institute is not well funded by the Government. The Committee recommends that the Government should increase funding to ZIALE as it is a critical training Institution for advocates, before they are unleashed on the public; and
- (iv) the Committee observes that there is no continuous student evaluation that preceded the LPQE. The Committee recommends that ZIALE should consider introducing this system as it will help in ascertaining the readiness of students to sit for particular heads of exams.

## **13.0 MINISTRY OF LANDS AND NATURAL RESOURCES**

- (i) *Statutory Instrument No. 1 of 2021 - The National Forest No. 4: Maposa (Cessation) Order*

The Statutory Instrument was issued pursuant to section 17 of *the Forest Act, No. 4 of 2015*. The objective of the Instrument was that Maposa Local Forest No. F4 was degazetted to enable Luanshya Municipal Council facilitate developmental programmes among them agriculture and settlement. The area was approximately 4,345 hectares in extent. There was no alteration of boundary since the whole area was degazetted.

## **Committee's Observations and Recommendations**

The Committee notes the issuance of the Statutory Instrument as it was issued in accordance with the Law.

***(ii) Statutory Instrument No. 2 of 2021 - The National Forest No. 47: Kasama (Alteration of Boundaries) Order***

This Statutory Instrument was issued pursuant to section 17 of *the Forest Act, No. 4 of 2015* so as to alter the boundary of the forest reserve to meet the expansion needs of Kasama town. The boundary alteration was as a result of the excised area and a new boundary had to be described based on the new total area of the forest reserve. Kasama National Forest remained with an area of 2,776 hectares after excising.

**Committee's Observations and Recommendations**

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

***(iii) Statutory Instrument No. 3 of 2021 - The National Forest No. F31: Kabwe (Alteration of Boundaries) Order***

This Statutory Instrument was issued pursuant to section 17 of *the Forest Act, No. 4 of 2015* so as to facilitate the construction of a Cathedral, Boys Boarding School and other facilities. The boundary alteration was as a result of the excised area and a new boundary had to be described based on the new total area of the forest reserve of approximately 8,048.67 hectares.

**Committee's Observations and Recommendations**

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

**14.0 MINISTRY OF GREEN ECONOMY AND ENVIRONMENT**

***(i) Statutory Instrument No. 48 of 2021 - The Environmental Management (Strategic Environment Assessment) Regulations***

The Statutory Instrument was issued pursuant to section 30 of *the Environmental Management Act, No. 12 of 2011* so as to make regulations for the effective administration of Strategic Environmental Assessments.

**Committee's Observations and Recommendations**

While noting the issuance of the Statutory Instrument, the Committee resolves to assess the implementation of the Statutory Instrument in view of the fact that environmental issues have a direct impact on the livelihoods of citizens.

In order to appreciate the ramifications of the Statutory Instrument, the Committee held a meeting with the Zambia Environmental Management Authority (ZEMA), which was responsible for enforcing the regulations contained in the Statutory Instrument.

A presentation was made to highlight the provisions of the Statutory Instrument as set out hereunder.

- (i) The main objective of the regulations was to provide for the procedure for undertaking the Strategic Environmental Assessment in Zambia. A strategic environmental assessment was defined as an assessment of the positive and adverse effects or impact

that the implementation of a policy, programme or plan had or was likely to have on the protection and conservation of the environment or on the sustainable management of the environment.

- (ii) The regulations had universal application in that they applied to all policies, plans or programmes that would potentially have adverse effects on the environment and utilisation of natural resources.
- (iii) Developers of plans, policies or programmes that were likely to affect the environment were obliged to inform ZEMA for review of their plans or programme to determine whether or not a strategic environmental assessment could be invoked.
- (iv) Proponents of plans or programmes were required to submit terms of reference to ZEMA before conducting an assessment. ZEMA had the right to propose amendments or refuse the terms of reference. In addition, proponents were required to constitute a team of experts to conduct the assessment, subject to wide public or stakeholder consultations. Stakeholders were entitled to be part of validation meetings and make comments on the outcome of the strategic environmental assessment reports.
- (v) ZEMA also had the right to comment on the assessment reports and make varied decisions thereon, including approval rejection or deferring the reports.

After further interrogation of the Statutory Instrument in relation to the operations of ZEMA in general, the Committee made the following findings that had the likelihood of negating the smooth implementation of the Statutory Instrument:

- (i) the Government grant to the Institution was not adequate enough to support all operations;
- (ii) the Institution did not have adequate transport to respond to reports of pollution or environmental degradation in a timely manner;
- (iii) the appeals process against a decision of the ZEMA Board lay in the hands of the Minister, who may not be technically competent to understand the basis upon which a licence may be refused to be issued. This made it possible for a decision to be reversed based on political considerations and not technical data; and
- (iv) mining operations in lower Zambezi were initially refused by ZEMA, but after the developer submitted a second Environmental Impact Assessment Report, the licence to operate in a game management area was granted.

### **Committee's observations and Recommendations**

- (i) The Committee notes that the Strategic Environmental Assessment Regulations are well intended, but will require robust implementation to achieve their intended objectives. The Committee, therefore, recommends that ZEMA should be adequately supported financially and materially to effectively carry out its mandate under the law and to enforce the regulations.
- (ii) The Committee observes that the spirit of the regulations is to protect the environment and the rights of people in places where developers intend to implement policies, plans and programmes that may have adverse effect on the environment. To this end, the

Committee recommends that as an autonomous statutory body, ZEMA should be allowed to operate independently without undue political influence.

- (iii) The Committee observes that pursuant to regulation 9 of the Statutory Instrument, a proponent is required to consult members of the public as part of the process for conducting a strategic environmental assessment. In this regard, the rule requires a proponent to place the report in a conspicuous place and to publish findings in a newspaper of general circulation. The Committee further observes that these requirements may not be impactful in a rural setting where newspapers are never received or literacy levels are low. The rule systematically discriminates against such communities that are usually host to large scale industrial activity that affect the environment and are usually sponsored by big multi-national corporations.

In view of the above, the Committee recommends that rule 9 be amended to include methods of informing remote communities that may not have access to the conventional means of disseminating information about a strategic environmental assessment.

## **15.0 MINISTRY OF LABOUR AND SOCIAL SECURITY**

- (i) *Statutory Instrument No. 13 of 2021 – The Workers’ Compensation (Domestic Workers) Regulations, 2021*

The Statutory Instrument was issued pursuant to sections 115 and 152 of the *Workers’ Compensation Act No. 10 of 1999*, so as to revise the rate of assessment of domestic workers from 10 Ngwee to 10 Kwacha in order to reflect the current economical situation in terms of employers’ contributions, which had been eroded over-time.

### **Committee’s Observations and Recommendations**

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

- (ii) *Statutory Instrument No. 14 of 2021 – The Workers’ Compensation (Assessment of Earnings) (Amendment) Regulations, 2021*

The Statutory Instrument was issued pursuant to section 113 and 152 of the *Workers’ Compensation Act No. 10 of 1999*, so as to amend the ceiling for annual assessment for workers, following the revision of assessable earnings, which was informed by actuarial recommendations and general increase in the cost of living in Zambia.

### **Committee’s Observations and Recommendations**

The Committee notes the issuance of the Statutory Instrument as having been done in accordance with the enabling legislation. The Committee however, resolves to assess the implementation of the Statutory Instrument in view of the socio-economic rights that it invokes.

- (iii) *Statutory Instrument No. 44 of 2021 – The Workers’ Compensation (Pneumoconiosis) (Charges and Fees) Regulations, 2021*

The Statutory Instrument was issued pursuant to section 152 of the *Workers’ Compensation Act No. 10 of 1999*, so as to revise the medical fees and charges for occupational health purposes.

### **Committee's Observations and Recommendations**

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

- (iv) *Statutory Instrument No. 106 of 2020 – The Minimum Wages and Conditions of Employment (Truck and Bus Drivers) Order, 2020*

The Statutory Instrument was issued pursuant to section 106 of the *Employment Code Act No. 3 of 2019*, so as to fix the minimum monthly basic pay to be paid to truck and bus drivers.

### **Committee's Observations and Recommendations**

While noting the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation.

- (v) *Statutory Instrument No. 126 of 2020 – The National Pension Scheme (Pensionable Earnings) (Amendment) Regulations*

The Statutory Instrument was issued pursuant to sections 14 and 19 of the *National Pension Scheme Act, Chapter 256 of the Laws of Zambia* so as to amend the principal regulations to revise pensionable earnings. The amendment was informed by the adjustments in the National Average Earnings as reported by the Zambia Statistics Agency.

### **Committee's Observations and Recommendations**

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

## **16.0 CABINET OFFICE**

- (i) *Statutory Instrument No. 73 OF 2021 – The Public Holidays (Declaration) (No. 4) Notice, 2021*

The Statutory Instrument was issued pursuant to section 3 of the Public Holidays Act, Chapter 272 of the Laws of Zambia, so as to declare Tuesday 24<sup>th</sup> August, 2021 as a public holiday to necessitate the swearing-in ceremony of the President-elect and Vice-President-elect following their election to those respective offices on 12<sup>th</sup> August, 2021.

### **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.

## **17.0 MINISTRY OF HEALTH**

- (i) *Statutory Instrument No. 17 of 2021 – The Nurses and Midwives Act (Commencement) Order, 2021*

The Statutory Instrument was issued pursuant to section 1 of the *Nurses and Midwives Act, No. 10 of 2019* so as to operationalise the said Act.



### **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.

**(ii) *Statutory Instrument No. 18 of 2021 – The Food and Nutrition Act (Commencement) Order, 2021***

The Statutory Instrument was issued pursuant to section 1 of the *Food and Nutrition Act, No. 3 of 2020* 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.

**(iii) *Statutory Instrument No. 18 of 2021 – The Zambia National Public Health Institute Act (Commencement) Order, 2021***

The Statutory Instrument was issued pursuant to section 1 of the *Zambia National Public Health Institute Act, No. 19 of 2020* 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.

**(iv) *Statutory Instrument No. 37 of 2021 – The Zambia Medicines and Medical Supplies Agency (Rearrangement of Staff) Regulations, 2021***

The Statutory Instrument was issued pursuant to sections 27 and 28 of the *Zambia Medicines and Medical Supplies Act, No. 9 of 2019* so as to provide for the transitioning of staff from the Medical Stores Limited to the Zambia Medicines and Medical Supplies Agency.

### **Committee's Observations and Recommendations**

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

## **18.0 MINISTRY OF FISHERIES AND LIVESTOCK**

**17.1 *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.

## **19.0 MINISTRY OF AGRICULTURE**

### ***19.1 Statutory Instrument No. 95 of 2020 – The Animal Health (Bee Keeping) Regulations, 2020***

The Statutory Instrument was issued pursuant to section 56 of the *Animal Health Act, No. 27 of 2020* so as to regulate the national disease surveillance programme for notifiable diseases of bees, in view of the increase export of honey outside the country.

#### **Committee’s Observations and Recommendations**

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

## **20.0 ELECTORAL COMMISSION OF ZAMBIA**

### ***(i) Statutory Instrument No. 4 of 2021 – The Electoral Process (Voter Education) Regulations, 2021***

This Statutory Instrument was issued pursuant to section 125 of the *Electoral Process Act, No. 35 of 2016*. The Statutory Instrument was issued so as to align the Voter Education regulations with the Electoral Laws and to enhance the provisions on voter education.

#### **Committee’s Observations and Recommendations**

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

### ***(ii) Statutory Instrument No. 7 of 2021 – The Local Government By- Elections (Election date and time of poll) Order, 2021***

This Statutory Instrument was issued pursuant to section 125 of the *Electoral Process Act, No. 35 of 2016* so as to stipulate the election dates and times of polls in respect of the district and wards contained in the schedule to the Statutory Instrument.

#### **Committee’s Observations and Recommendations**

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

### ***(iii) Statutory Instrument No. 39 of 2021 – The Electoral Process (General) (Amendment) Regulations, 2021***

This Statutory Instrument was issued pursuant to section 125 of the *Electoral Process Act, No. 35 of 2016*. The Statutory Instrument was issued so as to align the regulations to the current developments in the electoral process which were aimed at making the electoral process more efficient; to include the elections of Mayor and Council Chairperson and to make the regulations clearer to avoid ambiguity in their interpretation.

## **Committee's Observations and Recommendations**

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

### ***(iv) Statutory Instrument No. 40 of 2021 – The General Election (Election date and time of poll) Order, 2021***

This Statutory Instrument was issued pursuant to sections 28 and 125 of the *Electoral Process Act, No. 35 of 2016* so as to stipulate the election dates and times of the electoral activities contained in the elections time-table and provide for the election date and time of polls in respect of the General Elections as contained in the schedule to 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.

## **21.0 LOCAL TOUR REPORT**

As part of its programme of work, the Committee had resolved to assess the implementation of selected Statutory Instruments through interactions with stakeholders in some districts of Lusaka and Southern Provinces. The highlights of the Committee's local tour are set out below.

### ***21. Statutory Instrument No. 63 of 2019 – The National Health Insurance (General) Regulations***

The regulations under this Statutory Instrument were promulgated so as to provide for administration and implementation of the National Health Insurance Scheme, which was operated and managed by the National Health Insurance Management Authority (NHIMA). During the meeting with NHIMA Management team, the following provisions of the Statutory Instrument were highlighted:

- (i) the registration process of clients onto the scheme began in October 2019. To date, NHIMA had registered 1,551,018 principal members and 576,669 beneficiaries. The registration process was carried out both manually and online through the NHIMA website and is an ongoing process;
- (ii) the Authority had received contributions at the rates set out in the third schedule to the Statutory Instrument. Some employers had been deducting but not remitting to NHIMA. To this end, NHIMA had established a Compliance Unit under the Legal Department to ensure compliance with the provisions of the Act and conduct enforcements for defaulting employers;
- (iii) the Authority had created benefit packages that were specific to the type of facilities that were accredited such as pharmacies, hospitals, clinics, laboratories, optical clinics and dental clinics;
- (iv) the Authority had to date accredited 268 health facilities of which 123 were private health care providers and 145 were public health care providers across the country. The Accreditation process involved 5 main processes, namely; vetting process to ensure

- regulatory compliance; physical inspection of the facility; contracting stage; on-boarding training; and provision of services and post accreditation assessments; and
- (v) the Authority received an average of 88, 000 claims per month in the required form on an average value of K51, 000, 000. After an assessment and verification of the claims, the Authority proceeded to pay the accredited health care providers who had a payment system that allowed NHIMA to receive, verify and settle claims;
  - (vi) the Authority had established a complaints procedure for members who wished to lodge any complaints through the mechanisms set listed below.
    - (a) 8000 toll free line;
    - (b) Email created specifically for complaints;
    - (c) NHIMA Desks at each public health facility;
    - (d) Facebook and Twitter NHIMA pages;
    - (e) Live Chat on the NHIMA website; and
    - (f) Written letters through the Director General's office.

The Authority had also established a Complaints Resolution Committee to address the complaints received through the above platforms.

- (vii) the Authority recommended that the percentage relating to membership contributions be deductible from the gross pay of a principal member instead of the basic pay of a principal member, in the alternative it was recommended that the percentage recoverable by the NHIMA from the fund should be increased from 10% to 15%. It was also proposed that collections from all eligible members needed to be increased.

### **Committee's observations and Recommendations**

In view of the above submission, the Committee makes the following observations and recommendations:

- (i) the Committee observes that there are more principal members than beneficiaries registered on the scheme. The Committee recommends that sensitisation efforts should be enhanced to capture as many Zambians as possible especially those outside the formal sector;
- (ii) the Committee observes that membership cards were being distributed albeit at a very slow rate. The Committee is not happy at the inordinate delay that has characterised the distribution of cards and strongly urges NHIMA to expedite the distribution process especially to members whose details got captured in the formative stages of the scheme;
- (iii) the Committee observes that the benefits package has gradually been expanded to include more services that were not initially captured. While commending this milestone, the Committee recommends that the scheme claim process should be decentralised from Lusaka to the province so that accredited health facilities could have quicker access to the fund and in turn provide quality health services in the benefits package;
- (iv) the Committee observes that NHIMA has an elaborate complaints process, part of which can be done via the toll free line on the number 8000. The Committee, however, notes that access through the toll free line was extremely poor. It recommends that NHIMA should urgently engage the service provider to improve the toll free line services.

In order to appreciate the implementation of the Statutory Instrument on the ground, the Committee visited three NHIMA accredited public health facilities in Choma, Livingstone and Kazungula.

### **21.2.1 Visit to Choma General Hospital**

The Committee held a meeting with the Hospital Management team, Provincial Health Director and representatives from NHIMA.

The main highlights of the meeting were as follows:

- (i) Choma General Hospital was a second level hospital which was accredited in February 2020. The hospital also attended to cases from surrounding first level hospitals;
- (ii) in terms of health financing, the hospital received the monthly Government grants, NHIMA claims and financial support from co-operating partners;
- (iii) the Government grant was not adequate to meet the needs of the hospital, which had a huge catchment area. The hospital did not have a proper ambulance, but was using a utility vehicle as an ambulance to service the entire district;
- (iv) the hospital had so far accessed four instalments as Claim Advance Payments (CAP) from NHIMA, which had greatly assisted to procure medicines, medical and non-medical equipment required for delivery of good quality health. The CAP was a facility where accredited public health facilities were advanced money, amounting to thrice their monthly grants, which could be used to bring the health facilities to standard health levels, so that members on the National Health Insurance Scheme (NHIS) could access better health services;
- (v) using the CAP, the hospital was rehabilitating a high cost ward, which members on the NHIS could access;
- (vi) the hospital had dedicated NHIMA consultation rooms and access to medical services and drugs was fast tracked. In the event of non-availability of drugs, NHIMA had an accredited pharmacy in Choma, which clients could access;
- (vii) the hospital had, in line with the regulation and the on-boarding training, put in place the main NHIMA committee with four sub-committees, dedicated to claims, mobilisation, quality assurance and improvement; and
- (viii) the hospital sometimes experienced delayed payments of claims and some claims would be refused to be paid for being outside the health benefit package, for example, COVID-19 drugs and some cancer medicines were outside the benefit package.

### **Committee's Observations and Recommendations**

- (i) The Committee observes that although the hospital received regular Government grants, it was not adequate to meet its operational needs. The Committee recommends that the Government through the Ministry of Health should increase funding to the hospital and not abdicate its responsibility to NHIMA.
- (ii) The Committee observes that Choma General Hospital had benefitted from NHIMA through CAP and regular claims on the scheme. The Committee however, notes that

sometimes claims were not paid in good time or were all together rejected for being outside the benefits package. The Committee recommends that NHIMA should improve its claims payments procedures and processes so that funds are made available to the hospital in good time.

### **21.2.2. Visit to Livingstone Teaching Hospital**

The Committee held a meeting at Livingstone Teaching Hospital with the hospital management team, NHIMA representatives and the Livingstone District Commissioner. The Committee learnt that the hospital was a third level hospital, which was accredited and on-boarded onto NHIMA in December, 2019. As a third level health institution, it was meant to provide health care services at the highest level (referral) and not at primary health care level.

The main highlights of the meeting were as follows:

- (i) the hospital had benefitted from CAP and had used the financing to rehabilitate the hospital's Emergency and Renal Units and stocked them with supplies;
- (ii) the hospital had put in place the main NHIMA Committee with its sub-committees and were meeting regularly to iron out all bottlenecks in the implementation of the scheme;
- (iii) implementation of the scheme was initially tailored to second and third level hospitals, which meant that primary health care (usually provided by first level district hospitals) was not accredited, thereby defeating universal health coverage;
- (iv) for the NHIS to meet its objective of good quality health services for all, the health budget should have been running the essential services, instead of NHIMA bridging the gap, which ideally should be supported by the Ministry of Health. The scheme risked collapsing if the Government, through the Ministry of Health, neglected to adequately finance the health budget;
- (v) although the scheme was meant to benefit everyone, it was still skewed towards those in formal employment, particularly those in the public and civil service. There was need to enhance public sensitisation on the scheme to capture the informal sector and the indigent. Collaboration with the Ministry of Community Development and Social Welfare and the Nutrition Council would prove ideal in capturing this category of the population;
- (vi) the benefits package, which was initially designed to cover essential drugs and services, was gradually being expanded, although contributions had remained the same. There was need to constantly review the benefits package together with the rates of contributions to the scheme for it to remain viable; and
- (vii) the minimum fill rate of essential drugs was supposed to be 80%. This meant that at any given time, hospitals needed to be at 80% stock of essential medicines. However, at the time of the visit, the hospital was at 5% and had been at that level for the last four years.

## **Committee's Observations and Recommendations**

- (i) The Committee observes that the scheme was initially tailored to second and third level health care, leaving out district hospitals, which traditionally provided primary health care. The Committee recommends that in order for the country to attain universal health care, first level hospitals should be brought on board to provide health care services to NHIS members.
- (ii) The Committee notes the number of benefits that have accrued to Livingstone Teaching Hospital as a result of the funds from the NHIS. The Committee reiterates that for the scheme to succeed, the Government should increase budgetary support to the health sector.
- (iii) The Committee observes that most of the members accessing the scheme in Livingstone are in the formal sector, particularly Government employees. This means that the informal sector and the vulnerable or indigent were not captured. In this regard, the Committee urges NHIMA to enhance its sensitisation efforts and collaborate with the Ministry of Community Development to capture this category of citizens.

### **22.2.3. Visit to Kazungula District Hospital**

The Committee visited Kazungula District Hospital and held a meeting with the hospital management, the NHIMA team, the District Commissioner and District officials.

The highlights of the meeting were as follows:

- (i) the hospital was recently opened as a first level hospital and was accredited in November, 2021;
- (ii) despite being accredited, NHIS members had not yet started receiving services even though they had been contributing to the scheme on a monthly basis;
- (iii) the hospital had undergone on-boarding processes, but was still visibly not providing services to NHIS members; and
- (iv) the NHIMA team on site in liaison with the provincial team undertook to provide re on-boarding procedures and assist the hospital to urgently access CAP so that services could be put in place for NHIS members.

## **Committee's Observations and Recommendations**

The Committee observes that although the hospital was accredited in 2021, members of the NHIS have not started receiving services because the on-boarding process was never actualised properly. The Committee notes that when this discovery was made, the NHIMA team undertook to immediately re orient and train the hospital management with a view to expedite the on-boarding process. The Committee, therefore, recommends that NHIMA should ensure that preconditions that require to be done for the hospital to commence providing services should be put in place urgently, in view of the fact that members on the scheme were suffering deductions every month.

## **22. Statutory Instrument No. 85 of 2020 – The Animal Health (Tsetse fly Area & tsetse fly Control Area) (Declaration)**

In order to appreciate the implementation of this Statutory Instrument, the Committee visited Choma, Namwala and Livingstone Districts of Southern Province. The Committee held meetings with the Ministry of Fisheries and Livestock in all the districts. The following are the highlights of the meetings:

- (i) the Department of Veterinary Services under the Ministry had the mandate to prevent, control and contain animal diseases;
- (ii) the Department employed surveillance to achieve its mandate. The surveillance system was composed of clinical surveillance, survey, border control, diagnostic laboratories, among others;
- (iii) the districts were not tsetse fly areas as they got rid of the fly in 1987 after massive, government funded aerial spraying of the Choma-Kalomo tsetse control block;
- (iv) the districts remained on alert in case of recurrence of tsetse flies, in view of the proximity of the Kafue Game Management Area to Choma and Namwala;
- (v) the districts were, however, unable to carry-out routine surveillance because they were poorly funded and lacked transport. Choma in particular had an old dilapidated fleet of vehicles that could not be relied on for field operations;
- (vi) the districts had low staffing levels and no field equipment to undertake proper surveillance;
- (vii) in Namwala, the tsetse infrastructure was abandoned a long time ago. The one at Namusenga had been greatly vandalised, while the one at Shamishikwe had collapsed; and
- (viii) budgets were submitted annually but due to budget ceilings and erratic releases of funds, the districts had remained crippled in terms of operations and at high risk if the tsetse fly was to emerge.

### **Committee's Observations and Recommendations**

The Committee observes the operational challenges being experienced by the Ministry of Fisheries and Livestock in Choma, Namwala and Livingstone districts. While appreciating that the three districts do not currently have traces of tsetse flies, the Committee recommends as follows:

- (i) the Government should consider increasing the budget allocation to the Ministry of Fisheries and Livestock, particularly the Department of Veterinary Services in Choma, Namwala and Livingstone so that field animal disease surveillance can be enhanced;
- (ii) the three districts should be provided with proper transportation for field work, as they are located in areas where tsetse flies can emerge. It is disheartening to note that nothing was done in terms of routine surveillance due to lack of adequate and reliable transport and equipment. As an interim measure, the districts can be supplied with motor cycles, especially at Livingstone where the situation was dire; and



- (iii) the dilapidated tsetse infrastructure in Namwala District should be rehabilitated and staff deployed there to enhance surveillance.

### **23. Statutory Instrument No. 87 of 2020 – The Animal Health (Designated Border Inspection Posts) Regulations**

To appreciate the enforcement of this Statutory Instrument, the Committee visited Livingstone and Kazungula Districts. The Committee held meetings with the Ministry of Fisheries and Livestock and found out the following:

- (i) in Livingstone, it was found that the department was unable to implement the Statutory Instrument due to operational and financial challenges;
- (ii) there were no border inspection posts for purposes of animal disease control at Harry Mwaanga Nkumbula International Airport and Victoria Falls Border Control. The district fisheries office could not manage to man the two border controls due to acute shortage of staff, lack of transport and equipment coupled with erratic funding. At the time of the visit, the Committee found that the department was last funded in January 2022 to a tune of K5000.00;
- (iii) at Kazungula Border Post, the Department of Veterinary had quarantine facilities constructed during the construction of the bridge and the one stop border control. The facility did not provide for separation between those handling diseased animals and those handling documentation. Officers required to have a desk inside the terminal building for their operations to reduce the risk of spreading animal diseases;
- (iv) despite having modern quarantine facilities, the disease verification was document based as there was no laboratory to carry out blood tests;
- (v) the staffing levels were very low (the quarantine facility was manned by two officers only who had working hours from 6am to 10pm). Officers were also required to carry out field inspections within the district, which in some cases had distances of over 300KM. This was compounded by the fact that financial rules did not allow for payment of certain allowances if an officer did not travel outside the district. The rules were oblivious of the vastness and long distances within Kazungula District; and
- (vi) the station did not have reliable transport to carry out field work especially in the remotest part of the District.

### **Committee Observations and Recommendations**

Based on the findings above, the Committee recommends as follows:

- (i) there is need to equip the border with laboratory equipment for effective disease surveillance;
- (ii) there is need to increase staffing levels for effective enforcement of the Statutory Instrument. Officers also require to be facilitated in terms of allowances when they covered long distances within the District for disease surveillance;
- (iii) There is need to separate officers handling documentation from the quarantine facility to the terminal building to avoid spread of animal disease to humans; and

- (iv) there is need to resource the station with a reliable vehicle and funding to enhance enforcements and avert smuggling of animals.

#### **24. Statutory Instrument No. 7 of 2020 – The Road Traffic (Speed Limits) Regulations**

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

#### **Committee’s Observations and Recommendations**

While noting the issuance of the Statutory Instrument, the previous Committee had observed that the speed limit road signage had not been changed to reflect the new changes in the law. This had resulted in unsuspecting motorists being penalised by road traffic officers for purportedly exceeding speed limits when in fact not.

The Committee therefore, had recommended that the Road Transport and Safety Agency (RTSA) should ensure that appropriate speed limit signage was installed, especially on the main highways.

#### **Executive Response**

The Executive responded that the Statutory Instrument provided for default speed limits in Zambia which were applicable in the absence of a posted speed limit. Where a speed limit was posted, the default limits did not apply. The Statutory Instrument was in force and motorists were expected to adhere to it where posted speed limits were absent.

To appreciate the enforcement mechanisms of this Instrument, the Committee held a meeting with the Road Transport and Safety Agency (RTSA) Management team and undertook a visit to the RTSA Livingstone office.

The highlights of the meetings were as follows:

- (i) the Statutory Instrument was issued so as to revise speed limits for different types of roads;
- (ii) the instrument was enforced in collaboration with the traffic department of the Zambia Police Service;
- (iii) the instrument was enforceable only where there were visible speed limit signs or posts. Where there were none, the default speed limits provided for in the Statutory Instrument were applicable;
- (iv) it was the responsibility of the Road Development Agency (RDA) to put speed limit signs, on the advice of RTSA. It was found however, that road signs were the subject of vandalism and thefts from suspected scrap metal dealers; and
- (v) RTSA carried out sensitisation outreach programmes to motorists on road safety in general, within its limited budget and staffing levels.

## **Committee's Observations and Recommendations**

Having noted the above, the Committee makes the following observations and recommendations:

- (i) the Committee observes that the Statutory Instrument is well intended and should be enforced robustly. To this end, the Committee recommends that the RDA in collaboration with RTSA should enhance sensitisation as well as installation of speed limit signage;
- (ii) while appreciating that the default speed limits applied where there were no speed limit signs, some of the motorists were not aware and therefore, required to be regularly sensitised; and
- (iii) while noting that RTSA collaborates with traffic police to enforce the Statutory Instrument, the Committee observes that there is still some level of abuse on the part of the police evidenced by the conspicuous places where they mount speed traps. The Committee recommends that the RTSA should extend sensitisation efforts to the police on how the Statutory Instrument should be enforced.

## **PART II**

### **22.0 CONSIDERATION OF THE ACTION TAKEN REPORT ON THE REPORT OF THE COMMITTEE FOR THE FIFTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY**

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

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

While noting the issuance of the Statutory Instrument, the previous Committee had observed that the COVID-19 pandemic was still persisting and therefore, recommended that the Statutory Instrument should not have a revocation date, but should have remained in force until the pandemic had completely been eradicated.

#### **Executive Response**

The Executive responded that at inception, the Statutory Instrument was given a sunset clause of six months. An extension to Statutory Instrument No.37 was further given from six months to one year through Statutory Instrument No. 89 of 2020. This Statutory Instrument was deemed to have come into operation on 1<sup>st</sup> October, 2020, and shall stand revoked on 30<sup>th</sup> September, 2021.

The aim of attaching a sunset clause (revocation date) to the Statutory Instrument was meant to curb possible abuse that may arise during implementation. Further, the purpose of attaching the revocation date was to allow monitoring in case of revenue leakages, taking into consideration that there was revenue foregone through the issuance of the Statutory Instrument. The Ministry will endeavor to review the revocation date attached to the Statutory Instrument in September, 2021 based on the progress report on the COVID 19 pandemic.

## **Committee Observations and Recommendation**

Based on the above explanation, the Committee resolves to close the matter

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

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

The Committee noted the issuance of the Statutory Instrument as it was done in accordance with the enabling legislation. However, the Committee was concerned that the period fixed for disposal of impounded motor vehicles (thirty days), was too short.

The Committee was of the view that offences and circumstances for impounding vehicles differed from case to case and therefore, motor vehicle owners should be given ample notice and the right to be heard before disposal of their motor vehicles.

## **Executive Response**

It was reported in the Action-Taken Report that the Government was of the view that the 30 days period as espoused in the *Road Traffic Act No. 11 of 2002* for the disposal of impounded motor vehicles was adequate for vehicle owners to claim their cars before the Road Transport and Safety Agency commenced the process of disposal of the vehicle. The 30 days was standard and in tandem with other laws used by Zambia Revenue Authority and the Zambia Police Service for disposal of impounded motor vehicles.

The Committee was further informed that there were some administrative procedures required to be undertaken in the disposal process that served to extend the period by over 60 days from the date of publication. In the first place, the appropriate authority, after the expiration of 30 days from the date of publication, was required to apply to Court for an order to dispose of the vehicle. After the order was granted, the appropriate authority engaged valuers to determine the floor prices of the vehicles. After determining the floor prices, the appropriate authority engages an auctioneer to auction the vehicles.

An owner of the vehicle was at liberty to claim the vehicle any time before the vehicle was disposed of subject to settling storage charges and any other expenses the Agency may have incurred up to the point of collection of the vehicle.

## **Committee Observations and Recommendations**

The Committee resolves to close the matter.

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

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

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

##### **Visit to Zambia Railways Limited (ZRL) Headquarters**

The previous Committee was concerned that the mobilisation of funds had taken too long and that the Government did not explain the steps it was taking to mobilise capital for ZRL.

In this regard, the Committee had resolved to request for another progress report.

##### **Executive Response**

The Executive reported that the Government had continuously been engaging with potential financiers to secure financing for the recapitalisation of ZRL. To this end, the Industrial Development Corporation (IDC), in 2021, signed a contract for the rehabilitation and modernisation of ZRL with Team Sweden Railway Consortium. It was envisioned that works would commence before the end of the year.

##### **Committee Observations and Recommendations**

The Committee resolves to request for a progress report on the matter and specifically the status of works on the contract signed between IDC and Team Sweden Railway Consortium.

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

##### **Visit to Samfya Town Council**

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

##### **Executive Response**

The Executive responded that a site for construction of a fire station had already been allocated by the Council, and that, implementation to construct a simple standard fire station by using part of the funds meant for capital projects was what had delayed the project. However, some funds had been allocated for procurement of firefighting equipment in the 2021 budget.

##### **Committee Observations and Recommendations**

The Committee resolves to request for another progress report.

### **Visit to Mansa Municipal Council (deployment of fire officers and outcome of maritime training programme)**

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

#### **Executive Response**

The Executive reported that the construction of eleven provincial and district fire stations, of which Mansa was one of the beneficiaries, had been put on hold due to austerity measures being implemented by the Government. Mansa Municipal Council in responding to the directive by the Ministry had started rehabilitating the building where fire fighters were operating from. The ablution block and shower and borehole had been constructed and a fire hydrant would soon be installed and connected to the borehole.

A shelter for fire tenders had been constructed and now the Council was in the process of putting up the roof. The Council was yet to construct the appropriate offices for fire officers and resting rooms for men and women in uniform.

#### **Committee Observations and Recommendations**

The Committee resolves to await a further progress report on the matter since a number of issues are yet to be implemented.

### **Visit to Kasama Municipal Council (construction of a modern fire station for Kasama Municipal Council)**

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

#### **Executive Response**

The Executive reported in the Action-Taken Report that due to financial constraints, there was no progress on the matter. However, time frame could not be given considering the Government's policy to only implement projects that were 80 per cent complete and above.

#### **Committees Observation and Recommendations**

The Committee resolves to request for a further update.

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

#### **Committee's Observations and Recommendations**

The Committee resolves to request for progress regarding the installation of fire hydrants. regarding the training of some of the fire officers to undertake training in marine rescue services, the previous Committee, was informed that Kasama Municipal Council nominated two fire officers to undergo marine training in Mbala. The Committee had resolved to request for an update on the matter.

It was reported in the Action-Taken Report that the two fire fighters who were nominated to undergo marine training in Mbala by the Commando Special Forces Training School could not make it for training due to late release of funds by the Council. However, they were yet to attend the next marine once funds were made available in time.

### **Committee's Observations and Recommendations**

The Committee is greatly disappointed that the officers who were earmarked to be trained had been denied the opportunity simply because funds were released late. The Committee urges the Government to ensure that funds are released in time for the intended purpose so that the Statutory Instrument in question could be fully implemented. The Committee requests to be updated on the matter.

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

#### **Visit to Kasama Airport (completion of construction works)**

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

#### **Executive Response**

The Committee was informed that works had continued to progress at a slow pace. The runway had been compacted and the contractor awaited payments on outstanding interim payment certificates to carry out the rest of the works.

#### **Committee Observations and Recommendations**

The Committee notes with disappointment that despite the project having been reported to have reached 90% completion, the contractor can not complete the remaining works due to outstanding payments. The Committee resolves to await a progress report.

#### **Visit to Mansa Airport (expansion and installation of run way lights at Mansa Airport)**

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

#### **Executive Response**

The Executive reported that no progress had been made on the matter except the pronouncement of intent. ZAF was engaging the Treasury for resources to undertake the project.

#### **Committee Observations and Recommendations**

The Committee resolves to request for a further progress report

#### **Visit to Mbala Airport**

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

## **Executive Response**

The Executive reported that due to the country's fiscal position, the Government was yet to mobilise the K15 Million to finalise the remaining works. However, the airport was planned to become operational to commercial aircrafts by end of June 2021 while the works were still in progress as the current runway was still in good working condition and the runway markings were painted to provide visual guidance to the aircrafts. Further, the existing Airfield Ground Lighting (AGL) was being maintained by ZAF and was serviceable. The overhaul of the AGL would be executed once resources were available.

## **Committee Observations and Recommendations**

The Committee resolves to request for a further progress report on the matter.

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

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

## **Executive Response**

The Executive reported that the Zambia Law Development Commission was reviewing the Anti - Gender Based Violence Act. The Commission in collaboration with the Ministry of Gender (now Gender Division) had conducted:

- (i) a desk review in which the Commission reviewed among others; relevant international and regional treaties and standards and relevant domestic legislation;
- (ii) stakeholder consultations whose objective was to receive input from stakeholders on the areas requiring reform. Stakeholders were drawn from Government ministries and departments, statutory bodies and civil society organisations and included Ministry of Gender, Ministry of Justice (Legislative Drafting Department), National Prosecution Authority, National Legal Aid Clinic for Women, Zambia Police Service, Women and Law in Southern Africa to mention a few; and
- (iii) two drafting meetings – the first drafting meeting resulted in the development of layman's Anti-Gender Based Violence (Amendment).

The next activities planned in the process are a final stakeholder validation meeting, a meeting to incorporate recommendations from the validation meeting and to finalise the Bill and Project Report, and approval by the Commission.

The dates on which these activities would be held were subject to advice on the availability of funds by the Ministry of Gender.

As soon as the draft bill and project report were completed, they would be handed over to the instructing Ministry, which would finalise the process with the Ministry of Justice.

With regard to the review of the Penal Code and Criminal Procedure Code, a copy of a progress report was submitted to the Permanent Secretary, Legislative Drafting in March, 2021.



The Commission had undertaken a review of legislation with criminal law provisions enacted in 2020 and 2021 in order to incorporate them in the review and ensure an up to date report.

A stakeholder consultative meeting would be held on 28<sup>th</sup> May, 2021 in collaboration with the Ministry of Home Affairs to discuss proposals to include procedures relating to forensics and pathology.

### **Committee Observations and Recommendations**

The Committee notes the slow pace at which the review and drafting processes of the Anti-GBV Act and the Penal Code Act were moving. In this regard the Committee resolves to request for a further update report.

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

The previous Committee had resolved to request for a time frame within which the consultations regarding the Statutory Instrument would be completed.

### **Executive Response**

The Committee was informed that the Government was undertaking thorough consultations to ensure effective enforcement of the Statutory Instrument. It was envisaged that conclusions on consultations and effective enforcement would be done in 2022 subject to availability of seat belts from local suppliers. It was the Government's intention to issue public notices informing the public that the Statutory Instrument would be effective from 1<sup>st</sup> January 2022.

The Committee was further informed that the methodology adopted by the Government to implement this Statutory Instrument had several steps which were at various stages and enforcement would only commence once every step was undertaken. These steps were:

- a. stakeholders' consultative engagements;
- b. review Statutory Instrument No. 79 of 2016;
- c. review the Seat Belt and anchorage existing standards;
- d. establish a procedure for inspecting seat-belts and training for inspectors;
- e. develop retrospective fitting standards of seat-belts
- f. seat belt Education and Sensitization; and
- g. enforcement.

### **Committee Observations and Recommendations**

The Committee resolves to request for a further progress report.

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

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

### **Executive Response**

The Executive responded that the construction of infrastructure in Mushindamo District had not commenced because stakeholders including traditional leaders had not agreed on the location of the Central Business District (CBD). The situation had affected the commencement of infrastructure development in Mushindamo District.

## **Committee Observations and Recommendations**

The Committee resolves to request for an update on the matter in light of the dispute regarding the location of the CBD among stakeholders.

### **24.0 Conclusion**

During the period under review, the Committee considered a total of 103 Statutory Instruments issued by various Government ministries and agencies and is satisfied that the Statutory Instruments were issued in accordance with the enabling legislation. 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 Madam Speaker and the Clerk of the National Assembly for the invaluable support rendered to it throughout this Session.

A handwritten signature in black ink, appearing to be 'Remember C Mutale', written over a faint circular stamp or watermark.

Mr Remember C Mutale, MP  
**CHAIRPERSON**

July, 2022  
**LUSAKA**

## **APPENDIX I**

### **List of Officials**

Mr F Nabulyato, Acting Principal Clerk of Committees (SC)  
Mrs C K Mumba, Acting Deputy Principal Clerk of Committees (SC)  
Mrs A M Banda, Senior Committee Clerk (SC),  
Mr G Zulu, Committee Clerk  
Mrs E Njobvu, Typist  
Mr D Lupiya, Committee Assistant  
Mr M Chikome, Committee Assistant  
Mr M Kantumoya, Parliamentary Messenger