

GOVERNMENT OF ZAMBIA

ACT

No. 11 of 1983

Date of Assent: 8th April, 1983

An Act to provide for the establishment of the Tolls Board; to define the functions and powers of the Board; to provide for the charging and the collection of toll charges; to provide for the charging and the collection of entry fees in respect of certain vehicles entering Zambia; to provide for the procedure for the purchase of fuel and lubricants in respect of heavy goods vehicles not registered in Zambia; and to provide for matters connected with or incidental to the foregoing.

[15th April, 1983

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Tolls Act, 1983, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Short title
and
commence-
ment

2. (1) In this Act, unless the context otherwise requires—

Inter-
pretation

“ Board ” means the Tolls Board established by section *three*;

“ Chairman ” means the person designated Chairman of the Board in section *five*;

“ Director ” means the Director of the Board appointed under section *twelve*;

“ entry fee ” means the fee referred to in Part V;

“ fuel ” includes petrol, diesel, kerosene, and any other fuel used for the propulsion of a heavy goods vehicle;

“ inspector ” means an inspector of the Board appointed under section *fourteen*;

"lubricant" includes any oil, grease, hydraulic fluid, or any other lubricant used in connection with a heavy goods vehicle;

"member" means a member of the Board;

"Secretary" means the person appointed under section *thirteen* to be Secretary to the Board;

"toll charges" means the charges referred to in Part IV;

"Vice-Chairman" means the Vice-Chairman of the Board elected in accordance with subsection (2) of section *five*.

Cap. 766

(2) Unless the context otherwise requires, words and expressions not defined in this Act but defined in the Roads and Road Traffic Act shall, in this Act, have the meaning assigned thereto in the Roads and Road Traffic Act.

Cap. 766

PART II

TOLLS BOARD

Establishment of Board

3. There is hereby established the Tolls Board which shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and with power, subject to the other provisions of this Act, to do all such acts and things as a body corporate may by law do or perform.

Seal of Board

4. (1) The seal of the Board shall be such device as may be determined by the Board and shall be kept by the Secretary.

(2) The Board may use a wafer or rubber stamp *in lieu* of the seal.

(3) The affixing of the seal of the Board shall be authenticated by the Chairman and the Secretary or by the Chairman and one other person authorised in that behalf by a resolution of the Board.

(4) Any contract or instrument which, if entered into or executed by a person not being a body corporate would not be required to be under seal, may be entered into or executed without seal on behalf of the Board by the Secretary or any other person authorised in that behalf by a resolution of the Board.

(5) Any document purporting to be a document under the seal of the Board or issued on behalf of the Board shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

Composition of Board

5. (1) The Board shall consist of the following members:

(a) the Minister responsible for finance, who shall be Chairman of the Board, and Ministers responsible for transport, works and home affairs;

- (b) the Controller of Customs and Excise and the Road Traffic Commissioner; and
- (c) two other members appointed by the Minister.

(2) The Board shall elect a Vice-Chairman from amongst the members referred to in paragraph (a) of subsection (1).

(3) The Chairman may, by directions in writing and subject to such terms and conditions as he thinks fit, delegate to the Vice-Chairman any of his functions under this Act.

6. (1) The provisions of this section shall apply to such members as are referred to in paragraph (c) of subsection (1) of section *five*.

Tenure of
office and
vacancies

(2) Subject to the other provisions of this section, a member shall hold office for a period of two years.

(3) Upon the expiry of the period for which a member is appointed, he may be re-appointed.

(4) Upon the expiry of the period for which a member is appointed, he shall continue to hold office until his successor has been appointed, but in no case shall such further period exceed three months.

(5) The office of a member shall become vacant--

- (a) subject to subsection (4), upon the expiry of the period for which he is appointed or re-appointed;
- (b) if he is adjudged or otherwise declared to be of unsound mind;
- (c) if he is adjudged or otherwise declared to be bankrupt;
- (d) if he is lawfully detained or his freedom of movement is restricted under any law in force in Zambia;
- (e) if he is sentenced to a term of imprisonment exceeding six months;
- (f) if he is absent from three consecutive meetings of the Board without reasonable cause;
- (g) upon the expiry of not less than one month's notice in writing of his intention to resign given by him to the Chairman;
- (h) if he is removed by the Minister.

7. (1) The functions of the Board shall be to do all such things as are necessary for, or connected with, the charging and collection of toll charges and entry fees, and controlling the sale of fuel and lubricants to heavy goods vehicles not registered in Zambia.

Functions
of Board

(2) Without prejudice to the generality of subsection (1), the Board may—

- (a) erect and maintain such structures as are necessary for operating toll points; and
- (b) operate fuel and lubricant depots, supply points or fuel stations.

(3) The Board may, by directions in writing and subject to such terms and conditions as it thinks fit, delegate to the Director any of its functions under this Act.

(4) The Minister may give to the Board such general or specific directions with respect to the discharge of its functions as he may consider necessary and the Board shall give effect to such directions.

Proceedings
of Board

8. (1) Subject to the other provisions of this Act, the Board may regulate its own procedure.

(2) The Board shall meet for the transaction of business at least once every six months at such places and at such times as the Chairman may determine.

(3) Upon giving notice of not less than fourteen days, a meeting of the Board may be called by the Chairman and shall be called if not less than three members so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice.

(4) Three members shall form a quorum at any meeting of the Board.

(5) There shall preside at any meeting of the Board—

- (a) the Chairman; or
- (b) in the absence of the Chairman, the Vice-Chairman; or
- (c) in the absence of the Chairman and the Vice-Chairman, such member as the members present may elect for the purpose of that meeting.

(6) A decision of the Board on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(7) Notwithstanding the provisions of subsection (6), a decision may be made by the Board on any urgent matter by the circulation of the relevant papers among the members, and by the expression in writing of the views of the majority thereof:

Provided that any member shall be entitled to require that any decision shall be deferred until the matter is considered at a meeting of the Board.

(8) Where any member is for any reasonable cause unable to attend any meeting of the Board, he may, in writing, nominate another person to attend such meeting in his stead and such person shall be deemed to be a member for the purpose of such meeting.

(9) The Board may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Board but such person shall have no vote.

(10) The validity of any proceedings, act or decision of the Board shall not be affected by any vacancy in the membership of the Board or by any defect in the appointment of any member or by reason that any person not entitled so to do took part in the proceedings.

(11) The Board shall cause minutes to be kept of the proceedings of every meeting of the Board and of every meeting of any committee established by the Board.

9. (1) The Board may, for the purpose of performing its functions under this Act, establish committees and delegate to any such committee such of its functions as it thinks fit.

Committees
of Board

(2) The Board may appoint as members of a committee established under subsection (1), persons who are or are not members of the Board and such persons shall hold office for such period as the Board may determine.

(3) Subject to any specific or general direction of the Board any committee established under subsection (1) may regulate its own procedure.

10. (1) If a person is present at a meeting of the Board or any committee of the Board at which any matter is the subject of consideration and in which matter the person or his spouse is directly or indirectly interested in a private capacity, he shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Board otherwise directs, take part in any consideration or discussion of, or vote on, any question touching such matter.

Disclosure
of interest

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

11. No action or other proceedings shall lie or be instituted against any member for or in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his functions under this Act.

Immunity
of members

PART III

ADMINISTRATION

Director
and Deputy
Director

12. (1) The Board shall appoint, on such terms and conditions as it may determine, a Director who shall be the chief executive officer of the Board and who, subject to the control of the Board, shall be responsible for the administration of the affairs of the Board:

(2) The Board may appoint, on such terms and conditions as it may determine, a Deputy Director to assist the Director.

(3) The Director, or in his absence the Deputy Director, shall attend meetings of the Board and may address such meetings, but shall not vote on any matter:

Provided that the person presiding at any meeting of the Board may, for good cause, require the Director or Deputy Director, as the case may be, to withdraw from such meeting.

(4) The provisions of section *ten* shall apply, *mutatis mutandis*, to the Director and the Deputy Director.

(5) The Director may, by directions in writing and subject to such terms and conditions as he thinks fit, delegate to the Deputy Director any of his functions under this Act.

Secretary
and other
staff

13. (1) There shall be a Secretary to the Board who shall be appointed by the Board on such terms and conditions as the Board may determine.

(2) The Secretary shall be responsible for the administration of the day-to-day affairs of the Board under the general supervision of the Director.

(3) The Board may appoint, on such terms and conditions as it may determine, such other staff as it considers necessary for the performance of its functions under this Act.

Inspectorate
unit

14. (1) In order to ensure due compliance with the provisions of this Act, the Board may establish under the general supervision of the Director an inspectorate unit and may appoint such inspectors to the inspectorate unit as may be necessary for the performance of its functions under this Act.

(2) Every inspector shall be provided with a certificate of appointment, which shall be *prima facie* evidence of the inspector's appointment as such.

(3) Any inspector carrying out any function under this Act shall, on demand by any person affected thereby, produce for inspection the certificate referred to in subsection (2).

15. (1) In the performance of his duties under this Act, an inspector shall have— Powers of inspectors

- (a) power, at any reasonable time, to enter upon and inspect any premises or heavy goods vehicle to ensure that the provisions of this Act or any regulations made under this Act are not being contravened; and
- (b) access to all books, records, returns, reports and other documents relating to any sale of fuel or lubricants.

(2) If an inspector has reasonable grounds for believing that any provision of this Act or of any regulations made under this Act is being contravened on any premises or by any person travelling with any heavy goods vehicle, he may order that such premises be closed down or in the case of a heavy goods vehicle or a person travelling therewith that the same be seized and detained pending prosecution.

16. (1) No person shall, without the consent in writing given by or on behalf of the Board, publish or disclose to any person, otherwise than in the course of his duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of, his duties under this Act.

Prohibition of publication or disclosure of information to unauthorised persons

(2) Any person who knowingly contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding five thousand kwacha or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

(3) If any person having information which to his knowledge has been published or disclosed in contravention of subsection (1) unlawfully publishes or communicates any such information to any other person, he shall be liable, upon conviction, to a fine not exceeding five thousand kwacha or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

PART IV

TOLL CHARGES

17. (1) The Board may, on any road, bridge, pontoon or other place, operate toll points. Toll charges

(2) Any vehicle passing through a toll point shall pay the appropriate toll charge as set out in Part I of the Schedule.

(3) The Minister may exempt any person or class of vehicles from the payment of toll charges, and such exemption may be general or restricted to any particular toll points or hours, and may be on such conditions as the Minister may impose.

(4) Any person who, being liable to pay toll charges, refuses to do so or unreasonably obstructs the operation of any toll point, or who contravenes any of the provisions of any regulations made in relation to this Part, shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding two thousand kwacha or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

PART V

ENTRY FEES, ETC.

Entry fees

18. (1) Every heavy goods vehicle entering Zambia, if it is a vehicle registered in any country other than Zambia, shall at the time of such entry pay an entry fee as set out in Part II of the Schedule, and such entry fee shall be payable in such currency as the Minister may prescribe.

(2) The Minister may exempt any person or class of vehicle from the payment of the entry fees, and such exemption may be on such conditions as the Minister may impose.

Declaration

19. The person in charge of a heavy goods vehicle to which section *eighteen* applies shall, upon entry into and before exit from Zambia, make such declaration as to fuel or other matters as the Minister may prescribe.

Purchase of fuel and lubricants by certain vehicles

20. (1) No person travelling with a heavy goods vehicle to which section *eighteen* applies shall, while in Zambia, purchase any fuel or lubricants except in accordance with the regulations made under this Part by the Minister.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding ten thousand kwacha or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

Supply of fuel or lubricants to certain vehicles

21. Any person who, in contravention of any regulations made under this Part, supplies any fuel or lubricants to any heavy goods vehicle to which section *eighteen* applies, or to any person travelling therewith, shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding ten thousand kwacha, or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

Forfeiture of certain vehicles

22. Upon the conviction of an offender under this Part, if the court is satisfied that the owner of the heavy goods vehicle was a party to the offence, or that the offence was committed with his knowledge, the court may, in addition to any other sentence, order the forfeiture of such heavy goods vehicle to the State:

Provided that no forfeiture shall be ordered without first giving the owner an opportunity to be heard on the issue.

PART VI

FINANCIAL PROVISIONS AND REGULATIONS

23. (1) The funds of the Board shall consist of such moneys as may—

Funds
of Board

- (a) be appropriated by Parliament for the purposes of the Board;
- (b) be paid to the Board by way of fees, charges, grants or donations; or
- (c) vest in or accrue to the Board.

(2) The Board may—

- (a) accept moneys by way of grants or donations from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia; and
- (b) subject to the approval of the Minister, raise by way of loans or otherwise, such moneys as it may require for the performance of its functions.

(3) There shall be paid from the funds of the Board—

- (a) the salaries, allowances and loans of the staff of the Board;
- (b) such reasonable travelling, transport and subsistence allowances for members or members of any committee of the Board when engaged on the business of the Board at such rates as the Minister may determine; and
- (c) any other expenses incurred by the Board in the performance of its functions.

(4) The Board may invest in such manner as it thinks fit such of its funds as it does not immediately require for the performance of its functions.

(5) The Minister may, from time to time, direct the Board to pay, for such purposes related to the maintenance of roads, such portion of its surplus funds as the Minister shall determine.

24. (1) The Board shall maintain such accounts with the Bank of Zambia as may be necessary to keep separate its funds denominated in kwacha from those denominated in other currencies.

Bank
accounts

(2) The Board shall deposit all receipts into the appropriate accounts maintained under subsection (1); and all payments shall be made therefrom by means of cheques drawn in accordance with procedures approved by the Board.

(3) The Board may, with the approval of the Minister, transfer funds from any of its accounts to another, as necessary.

25. The Board shall cause to be kept proper books of accounts and other records relating to its accounts.

Accounts

**Financial
year**

26. The financial year of the Board shall be the period of twelve months ending on the 31st December in each year.

**Annual
report**

27. (1) As soon as practicable, but not later than six months after the expiry of each financial year, the Board shall submit to the Minister a report concerning its activities during such financial year.

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Board and there shall be appended thereto—

- (a) a balance sheet;
- (b) an audited statement of income and expenditure; and
- (c) such other information as the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the report referred to in subsection (1), lay it before the National Assembly.

Regulations

28. The Minister may, by statutory instrument, make regulations—

- (a) prescribing the matters required or permitted by this Act to be prescribed; and
- (b) for the better carrying out of the purposes of this Act.

SCHEDULE
(Sections 17 and 18)

PART I
TOLL CHARGES

Regardless of the distance travelled between two toll points the toll charge for each vehicle shall be:

	K.
Passenger Cars	0.60
Taxis	0.50
Mini Buses (Private)	1.20
Mini Buses (Public)	1.00
Heavy Buses (Private)	1.50
Heavy Lorries with two axles	1.50
Heavy Lorries with three axles	2.00
Heavy Lorries with trailer	3.00

PART II
ENTRY FEES

The entry fee shall be the equivalent, in a currency prescribed by the Minister, of K100, calculated at the prevailing rate of exchange.