

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 31 OF 1994

**The Lands and Deeds Registry Act
(Laws, Volume V, Cap. 287)****The Lands and Deeds Registry (Amendment)
Regulations, 1994**

IN EXERCISE of the powers contained in section *ninety-two* of the Lands and Deeds Registry Act, the following Regulations are hereby made:

1. (1) These Regulations may be cited as the Lands and Deeds Registry (Amendment) Regulations, 1994, and shall be read as one with the Lands and Deeds Registry Regulations, hereinafter referred to as the principal Regulations.

Title and
commence-
ment
Cap. 287

(2) These Regulations shall come into operation on the 29th January, 1994.

2. The principal Regulations are amended by the revocation of the First Schedule and the substitution therefor of the First Schedule set out in the Appendix to these Regulations.

Revocation
and replace-
ment of First
Schedule

APPENDIX
(Regulation 2)

FIRST SCHEDULE
(Regulation 10)

PRESCRIBED FEES
PART I

For each registration of a document made under section *four* or pursuant to section *eight* in—

- (a) the Township Lands Register; or
- (b) the Lands Register;

the fees payable shall be calculated in accordance with the following categories:

CATEGORY I

The fees charged under this category shall be payable in respect of documents relating to State leases, assignments, transfers, subleases for the whole term except for the last specified days in the sublease and other similar documents and shall be calculated on the value of the property at the rate of one per centum:

Provided that the minimum fee payable shall not be less than ten thousand kwacha and the maximum fee payable shall not be more than one hundred and fifty thousand kwacha.

NOTE 1—VALUE

- (a) The value of the unexhausted improvements is ascertained by the Registrar at such sum as in his opinion the improvements would fetch if sold in the open market at the date of the application free from any charge or mortgage and as evidence of such value the Registrar may require a statement in writing, signed by the applicant or his lawyer or by any other person who, in the Registrar's opinion, is competent to make such a statement.
- (b) where, in the case of transfer not made for valuable consideration by a registered owner, it is shown to the satisfaction of the Registrar that such registered owner held only as a trustee and that the transfer is to a person to hold as a new trustee, the fee payable thereon shall be the minimum fee.

NOTE 2—CO-OWNERS

- (a) (i) In a transaction relating solely to the estate of a person entitled as a tenant in common or joint tenant, the fee payable thereon shall be assessed on the value of the person's estate.
- (ii) Where persons registered as co-owners of land transfer estates therein to themselves, the fee payable on such transfer shall be the minimum fee.
- (b) Where a registered owner transfers his estate to himself and another as co-owners, the fee payable on such transfer shall be assessed on the value of the estate passing to the other person.

CATEGORY II

The fees charged under this category shall be payable in respect of documents relating to mortgages, charges, further charges, guarantees, covenants, floating charges and similar documents and shall be calculated on the value of the property at the rate of one per centum:

Provided that the minimum fee payable shall not be less than ten thousand kwacha and the maximum fee shall not exceed one hundred and fifty thousand kwacha.

NOTE—ADDITIONAL OR SUBSTITUTED SECURITY OR GUARANTEE

The fee for the registration of a charge or mortgage for payment of money by way of additional or substituted security or by way of guarantee shall be payable on the amount secured or guaranteed.

CATEGORY III

The fees charged under this category shall be payable in respect of documents relating to leases, subleases or agreement for leases or subleases and other similar documents for a short-term period and shall be calculated on the amount of the annual rent at the rate of one per centum:

Provided that the minimum fee shall not be less than ten thousand kwacha and the maximum fee shall not exceed one hundred and fifty thousand kwacha.

A combined fee is payable under category III on the amount of the annual rent and under category I on any money payment made by the lessees or sub-lessee as part of the same transaction by way of fine, premium or otherwise. The annual rent is the largest ascertainable amount of annual rent reserved.

CATEGORY IV

The fees charged under this category shall be payable in respect of the following dealings and applications:

	K n
1. Any entry or cancellation on a register made pursuant to a Court Order	2,000.00
2. Transmission on the death of a joint tenant	2,000.00
3. Entry of notice of death of a registered owner with particulars of representation	2,000.00
4. Entry or cancellation of any notice	2,000.00
5. Registration of any notice of the existence of any burden	2,000.00
6. Entry of an appurtenant	2,000.00
7. Correction of a register in accordance with subsection (2) of section <i>eleven</i> , except where the correction relates to an incorrect entry or omission from the register in consequence of an error made in the Lands and Deeds Registry in which case no fee shall be payable	2,000.00
8. Entry or cancellation of a notice of deposit of Certificate of Title or sublease	2,000.00
9. Entry or withdrawal of a Caveat where the interest shown is that of:	
(a) intending purchaser, transferee or other such similar interest	10,000.00
(b) intending mortgagee, trust, beneficiaries and any other interest not included in 9 (a) above	5,000.00

10. Any entry or cancellation on a register not otherwise provided for in the Schedule	K n 2,000.00
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PART II

The fees charged under this Part shall be payable and shall apply in respect of:

(a) the Township Lands Register; or

(b) the Lands Register.

1. Preparation and issue of a Certificate of Title	5,000.00
2. Preparation and issue of a Provisional Certificate of Title	2,500.00
3. Registration of a Certificate of Title	1,000.00
4. Registration of a provisional Certificate of Title	1,000.00
5. Certifying a copy of any printed state consent granted, printed surrender to the President or other similar document	1,000.00
6. Certifying a copy of any other document	1,000.00
7. Making a certified copy of any registered document, for a copy of each page of the document	1,000.00
8. (a) Issuance of duplicate Certificate of Title	5,000.00
(b) Copy of each page document attached to Certificate of Title referred to in paragraph (a)	1,000.00
9. Issuance of certified copy of any document in accordance with regulation II, for a copy of each page of the document	1,000.00
10. Personal search and examination of entries in a specified folio	1,000.00
11. Personal search and examination of index of names	2,000.00
12. Official search as to entries in a specified folio including certificate of the result of search	5,000.00
13. For every entry in the register recorded on the certificate of the official search	1,000.00
14. Official search in the index of names, including certificate of the result of such search	2,000.00
15. For every registration, entry, cancellation certificate of act done in the Registry or a District Registry, not being any of the matters or things aforesaid	5,000.00