

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 64 OF 2020

The Markets and Bus Stations Act, 2007

(Act No. 7 of 2007)

**The National Market and Bus Station Development
Fund Regulations, 2020**

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IN EXERCISE of the powers contained in section 32 of the Market and Bus Station Act, 2007, the following Regulations are made:

PART I

PRELIMINARY PROVISIONS

- | | |
|---|-------------------|
| 1. These Regulations may be cited as the National Markets and Bus Stations Development Fund Regulations, 2020. | Title |
| 2. In these Regulations, unless the context otherwise requires— | Interpretation |
| “associate ” has the meaning assigned to the word in the Anti-Corruption Act, 2012; | Act No. 3 of 2012 |
| “bus station ” has the meaning assigned to the words in the Act; | |
| “Committee ” means the Market and Bus Station Committee established under regulation 8; | |
| “development project ” includes any proposal, scheme or design of a project intended for the improvement of an existing market, bus station, new market or new bus station; | |
| “Emoluments Commission ” means the Emoluments Commission established under the Constitution; | Cap. 1 |
| “Fund ” means the National Market and Bus Station Development Fund established under regulation 3; | |
| “legally disqualified ” means the absence of legal capacity as provided in section 4 of the Mental Health Act, 2019; | Act No. 6 of 2016 |
| “local authority ” has the meaning assigned to the words in the Constitution; | |
| “management board ” has the meaning assigned to the words in the Act; | |
| “market ” has the meaning assigned to the word in the Act; | |
| “Principal Infrastructure Development Officer ” means a person appointed as a Principal Infrastructure Development Officer under regulation 8; | |
| “relative ” has the meaning assigned to the word in the Anti-Corruption Act, 2012; and | Act No. 3 of 2012 |
| “stallage ” means the rental, taxation or fees charged for the holding of a stall in a market. | |

PART II

THE NATIONAL MARKET AND BUS STATION DEVELOPMENT FUND

Establishment
of National
Markets and
Bus Stations
Development
Fund

3. (1) There is established the National Market and Bus Station Development Fund.

(2) The Fund consists of—

- (a) monies that may be appropriated by Parliament;
- (b) the proportion of thirty per centum applied to the markets and bus stations licences, charges, fees, stallages and levies for the purpose of operating in a market, bus station or market street; and
- (c) monies that may be paid to the Fund by way of loans, grants or donations.

Purpose of
money from
Fund

4. A local authority or management board may apply for money from the Fund to—

- (a) construct, maintain and rehabilitate a market and bus station;
- (b) build capacity in management of market and bus stations; and
- (c) undertake other activities related to a market and bus station as approved by the Minister.

Accounts
and audit

5. (1) The Committee shall ensure that prudent controls are established for the Fund relating to—

- (a) fiscal controls and accounting procedures governing the Fund; and
- (b) reporting procedures for matters relating to the Fund.

(2) The Committee shall cause to be kept proper books of accounts and other records relating to the accounts of the Fund.

(3) The auditor-General or an auditor appointed by the Auditor-General shall audit the accounts of the Fund.

(4) The ministry responsible for local government shall pay the fees for an audit of the Fund's accounts.

Fund
account

6. The Committee shall open and operate an account for purposes of the Fund at a commercial bank that the Committee may determine, in which the money received for the purposes of the Fund shall be deposited and kept.

Disbursements
from Fund

7. (1) Where the Committee approves the funding of a project, there shall be paid from the Fund—

- (a) the amount of claims on a contract entered into between a local authority or management board; and
- (b) any other expenses incurred in relation to the execution of the contract.

(2) The total amount of monies payable out of the Fund under these Regulations to a local authority or management board shall not exceed an amount approved to be due to the local authority or management board for the purpose of a project.

PART III

ADMINISTRATION OF FUND

8. (1) There is established a Markets and Bus Stations Committee which consists of the following part-time members appointed by the Minister:

Establishment
of Markets
and Bus
Stations
Committee

- (a) the Permanent Secretary in the ministry responsible for local government, as Chairperson;
- (b) a representative of the Attorney-General;
- (c) the Director responsible for housing and infrastructure department in the ministry responsible for local government, as Vice-Chairperson;
- (d) the Director responsible for local government administration;
- (e) the Director of Finance in the ministry responsible for local government;
- (f) a representative of the ministry responsible for finance;
- (g) a representative of the Local Authorities;
- (h) a representative from the ministry responsible for transport;
- (i) a representative of the Zambia Chamber of Commerce and Industry; and
- (j) the principal officer responsible for infrastructure development, as *ex-officio* member.

(2) The ministries, institution or organisations referred to in subregulation (1), shall nominate their representatives for appointment by the Minister.

(3) The Directorate responsible for planning and information shall be the secretariat.

Functions of
Committee

9. (1) The Committee is responsible for the administration of the Fund.

(2) Despite subregulation (1), the Committee shall—

- (a) mobilise resources for the Fund;
- (b) prepare and publish audited annual accounts of the Fund;
- (c) recommend to the Minister on market and bus station levies and other user licences, fees and charges, stallages and tariffs as required;
- (d) allocate resources for the construction, maintenance and rehabilitation of a market and bus station based on a percentage of the annual work programme of the market and bus station;
- (e) in consultation with the Markets and Bus Stations Unit, recommend funding for development of new markets and bus stations; and
- (f) undertake other activities as are connected with or incidental to its functions under these Regulations.

Tenure of
office and
vacancy

10. (1) Subject to the other provisions of these Regulations, a member of the Committee, other than the members referred to under regulation 8(1)(a) to (d), shall hold office for a term of three years from the date of appointment and may be re-appointed for a further term of three years.

(2) A member shall, on the expiration of the period for which the member is appointed, continue to hold office until a successor is appointed, but in no case shall the further period exceed four months.

(3) A member may resign on giving one month's notice, in writing, to the Minister.

(4) The office of a member becomes vacant—

- (a) on the member's death;
- (b) if the member is adjudged bankrupt;
- (c) if the member is absent, without reasonable excuse,

from three consecutive meetings of the Committee of which the member had notice, without the prior approval of the Chairperson;

- (d) cease to hold the office by virtue of which the member was appointed;
- (e) ceases to be a representative, or holder of an office in or member, of the institution which nominated the member;
- (f) if the member becomes legally disqualified; or (f) if the member is convicted of an offence under these Regulations or any other law and sentenced to imprisonment for a period exceeding six months without the option of a fine.

11. The Minister may, where the office of a member becomes vacant before the expiry of the term of office, appoint another member in place of the member who vacates office, but that member shall hold office for the unexpired part of the term.

Filling of
casual
vacancy

12. (1) Subject to the other provisions of these Regulations, the Committee may regulate its own procedure.

Proceedings
of
Committee

(2) The Committee shall meet for the transaction of business at least once every three months at a place and time that the Chairperson may determine.

(3) The Chairperson may, on giving notice of not less than fourteen days, call a meeting of the Committee and a special meeting within seven days of receipt of a written request to the Chairperson by not less than five members of the Committee.

(4) If the urgency of any particular matter does not permit the giving of a notice under subregulation (3), a special meeting may be called by the Chairperson, on giving a shorter notice.

(5) Five members of the Committee, other than the *ex-officio* member, shall form a quorum at a meeting of the Committee.

(6) There shall preside at a meeting of the Committee—

- (a) the Chairperson;
- (b) in the absence of the Chairperson, the Vice Chairperson;
or
- (c) in the absence of both the Chairperson and the Vice Chairperson, the Director responsible for local government administration in the ministry responsible

for local government.

(7) A decision of the Committee 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 the deliberative vote.

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

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

Sub
committees

13. (1) The Committee may, for the purpose of performing its functions under these Regulations, establish sub-committees that it considers necessary and delegate to the sub-committees such of its functions as it considers appropriate.

(2) The Committee may appoint as members of a sub-committee persons who are or are not members of the Committee, except that at least one member of a subcommittee shall be a member of the Committee.

(3) A person serving as a member of a sub-committee shall hold office for a period that the Committee may determine.

(4) Subject to any specific or general direction of the Committee, a sub-committee may regulate its own procedure.

(5) A sub-committee shall keep minutes of its meetings and keep the Committee informed of its activities.

(6) Meetings of a sub-committee shall be held at a time that the Committee may determine.

Allowances

14. The members of the Committee or sub-committee shall be paid allowances that the Minister may determine with the approval of the Emoluments Commission.

Disclosure of
interest

15. (1) A person who is present at a meeting of the Committee or sub-committee at which any matter is the subject of consideration and in which matter that person or that person's relative or associate is directly or indirectly interested in a private capacity shall, as soon as is practicable after the commencement of the meeting, declare that interest and shall not, unless the Committee or the sub-committee otherwise directs, take part in any consideration or discussion of, or vote on any question relating to that matter.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

16. (1) A person shall not, without the consent in writing given by, or on behalf of, a provincial or a regional planning authority, publish or disclose to any other person, otherwise than in the course of that person's duties, the contents of any document, communication, or information whatsoever, which relates to or which has come to the knowledge of that person in the course of that person's duties under this Act.

Prohibition of publication or disclosure of information to unauthorised person

(2) A person who contravenes subregulation (1) commits an offence and is liable, on conviction, to a fine not exceeding thirty thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(3) A person who, having any information which to the knowledge of that person has been published or disclosed in contravention of subregulation (1), unlawfully publishes or communicates the information to any other person, commits an offence and is liable, on conviction to a fine not exceeding two hundred thousand penalty units, or to imprisonment for a period not exceeding two years, or to both.

PART IV

APPLICATION FOR MARKET OR BUS STATION FUNDS

17. A local authority or management board that intends to embark on a development project in relation to a market or bus station shall apply to the Permanent Secretary for funding in Form I set out in the Schedule, except that the management board shall not apply to the fund for the construction of a new market.

Application for Market or Bus Station Fund

18. (1) The Committee shall, within sixty days of receipt of an application under regulation 16, consider and determine the application.

Determination of application

(2) The Committee shall, in deciding whether to grant or reject the application, consider if—

- (a) the proposed development is feasible or acceptable;
- (b) the proposed development requires amendments; or
- (c) the proposed development justifies funds being requested.

(3) The Committee shall grant approval of the application under section 16 in Form II set out in the Schedule.

(4) Where the proposed development does not meet the requirements under subregulation (2), the Committee shall reject the application and notify the applicant, giving reasons for the rejection in Form III set out in the Schedule.

Decision by
Committee

19. The Secretary shall within fourteen days of the decision by the Committee, inform the applicant in writing, stating the reasons for the decision.

Variation of
funds

20. (1) A local authority or management board may, where the cost of a project exceeds the amount approved by the Committee, apply to the Permanent Secretary for variation of the amount in Form IV set out in the Schedule.

(2) The Committee shall within sixty days of receipt of an application under subregulation (1), consider and determine the application.

(3) The Committee shall, in deciding whether to grant or reject the application, consider if the application—

(a) would affect the functionality of the development; or

(b) would compromise the health and safety aspect of the development.

(4) The Committee shall grant approval of the variation of funds in Form V set out in the Schedule.

(5) Where the proposed variation does not meet the requirements under subregulation (3), the Committee shall reject the application and notify the applicant in Form V set out in the Schedule.

Progress
Report

21. A local authority or management board to which the funds are awarded shall, every month and at the end of implementation of the development, present a progress report to the Ministry concerning the project.

Monitoring
and
Evaluation

22. The Ministry shall be responsible for the monitoring and evaluation of the approved project and the use of the monies of the Fund.

PART V

GENERAL PROVISIONS

23. (1) The Committee shall, but not later than ninety days after the end of the financial year, submit to the Minister a report concerning Fund

Annual
report

activities during the financial year.

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

- (a) an audited statement of financial position;
- (b) an audited statement of comprehensive income; and
- (c) other information that the Minister may require.

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

SCHEDULE
(Regulations 16, 17 and 19)



REPUBLIC OF ZAMBIA

The Markets and Bus Stations Act, 2007
(Act No. 7 of 2007)

Form I
(Regulation 16(1))
(To be completed in triplicate)

The National Market and Bus Station Development Fund Regulations, 2020

APPLICATION FOR MARKET AND BUS STATION DEVELOPMENT FUND				
Please write in BLOCK LETTERS		Shaded fields for official use only		Authorisation Code
				Date of submission
Information Required		Information Provided		
1.	(a) Name(s) of Applicant			
	(b) Type(s) of Applicant	Local Authority	Management Board	
2.	Physical Address:			
3.	Type of Development	New Construction	Expansion Construction (upgrade)	
		Maintenance and Rehabilitation	Capacity Building	
4.	Name of proposed project			
5.	Physical location of project: (Insert GIS coordinates here)			
5.	Attachments:			
	(a) Preliminary Designs			
	(b) Bills of Quantities			
	(c) Bankable Business Plan			
	(d) Proof of ownership of land			
	(e) Council Resolution			
	(f) Planning Agreement (in case of customary land)			
	(g) District Development Plan			
7.	Application Fee			
DECLARATION I declare that the information I have stated is correct and truthful to the best of my knowledge and belief. <div style="display: flex; justify-content: space-between;"> <div>..... Applicant/ Authorised Representative (Name)</div> <div>..... Signature</div> </div> <div style="text-align: right;">..... Date</div>				
FOR OFFICIAL USE ONLY				
Received by: (Officer)				
Variation Amount authorised: ZMW				
Receipt No.:				
Serial No. of Application:				
				OFFICIAL STAMP

Form II
(Regulation 17(3))



REPUBLIC OF ZAMBIA

The Markets and Bus Stations Act, 2007
(Act No. 7 of 2007)

**The National Market and Bus Station Development
Fund Regulations, 2020**

NOTICE OF APPROVAL OF APPLICATION

Here insert the full
names and
addresses of
applicant
Here insert the
reference No. of
the application
Here insert the
type of application

To (1)

IN THE MATTER OF (2) you are
hereby notified that your application for (3) has been
approved.

Dated thisday of20.....

Signature of
Secretary

(4).....

Secretary

Form III
(Regulation 17(4))



REPUBLIC OF ZAMBIA

The Markets and Bus Stations Act, 2007
(Act No. 7 of 2007)

The National Market and Bus Station Development
Fund Regulations, 2020

NOTICE OF REJECTION OF APPLICATION

Here insert the full
names and
addresses of
applicant
Here insert the
reference No. of
the application
Here insert the
type of application

To (1)
.....
IN THE MATTER OF (2) you are hereby
notified that your application for (3) has been rejected
on the following reasons:
(a)
(b)
(c)
(d)

Dated this day of 20.....

Signature of
Secretary

(4).....

Secretary

Form IV
(Regulation 19(1))
(To be completed in triplicate)



REPUBLIC OF ZAMBIA

The Markets and Bus Stations Act, 2007
(Act No. 7 of 2007)

The National Market and Bus Station Development Fund Regulations, 2020

APPLICATION FOR VARIATION OF MARKET AND BUS STATION DEVELOPMENT FUND GRANT				
Please write in BLOCK LETTERS	Shaded fields for official use only		Authorisation Code	
			Date of submission	
Information Required	Information Provided			√
1 (a) Name(s) of Applicant				
(b) Type(s) of Applicant	Local Authority		Management Board	
2 Physical Address:				
3 Type of Development	New Construction		Expansion Construction (upgrade)	
	Maintenance and Rehabilitation		Capacity Building	
4 Name of project				
5 Initial Grant Amount				
6 Initial Grant Amount				
7 Number of previous Variation Order				
8 Amount of Variation Sought				
9 Reasons for Variation No.	(a)			
	(b)			
	(c)			
	(d)			
	(e)			
	(f)			

10.	Attachments:		
(a)	Letter of recommendation from provincial DHID Office		
(b)	Application Letter of the Contractor		
(c)	Letter of recommendation from the Local Authority/Management Board		
(d)	Variation request containing summary of bills, project summary and detail of the works to be done		
DECLARATION I declare that the information I have stated is correct and truthful to the best of my knowledge and belief. <div style="display: flex; justify-content: space-between;"> <div>..... <i>Applicant/Authorised Representative (Name)</i></div> <div>..... <i>Signature</i></div> </div> <div style="display: flex; justify-content: flex-end; margin-top: 10px;"> <div>..... <i>Date</i></div> </div>			
FOR OFFICIAL USE ONLY Received by: <div style="text-align: center;"><i>(Officer)</i></div> Variation Amount Authorised: Receipt No.: Serial No. of Application: <div style="border: 1px solid black; padding: 5px; width: fit-content; margin-left: auto; margin-top: 10px;"> OFFICIAL STAMP </div>			

Form V
(Regulation 19(5))



REPUBLIC OF ZAMBIA

The Markets and Bus Stations Act, 2007
(Act No. 7 of 2007)

The National Market and Bus Station Development Fund Regulations, 2020

NOTICE OF APPROVAL/REJECTION OF VARIATION

- (1) Here insert the full names and address of applicant
(2) Here insert the reference No. of the application
(3) Here insert the type of application

To (1)
.....

IN THE MATTER OF (2) you
are hereby notified that your variation application for (3)
.....
has been approved/rejected*.

Dated this day of, 20....

- (4) Signature of the Secretary

.....
Signature of Secretary(4)*

* Attach brief if necessary

LUSAKA
13th July, 2020
[MLG/101/1/17]

DR C. R. BANDA,
Minister of Local Government