

## SUBSIDIARY LEGISLATION

### SECTION 31-THE LANDS (LAND DEVELOPMENT FUND) REGULATIONS **Regulations by the Minister**

Statutory  
Instrument  
88 of 1996

## **PART I**

## **PRELIMINARY**

**1.** These Regulations may be cited as the Lands (Land Development Fund) Regulations.

Title

**2.** In these Regulations, unless the context otherwise requires-

Interpretation

"Chairperson" means the Chairperson of the Committee;

"Committee" means the Lands Development Fund Committee constituted by regulation 3;

"Fund" shall have the same meaning as that in the Act;

"Minister" means the Minister responsible for land; and "Ministry" shall be construed accordingly;

"Secretary" means the Secretary appointed under regulation 3.

## **PART II**

### **DISBURSEMENT OF FUNDS FROM THE FUND**

3. (1) There is hereby constituted a Lands Development Fund Committee whose function shall be to consider and determine applications for disbursement of funds from the Fund.

Lands  
Development Fund  
Committee

(2) The Committee shall consist of the following members:

- (a) the Permanent Secretary to the Ministry, who shall be the Chairperson;
- (b) the Commissioner of Lands, who shall be the Vice-Chairperson;
- (c) one senior official from the ministry responsible for local government and housing;
- (d) one officer from the Local Government Association of Zambia;
- (e) one officer from the Land Use Planning Section in the ministry responsible for agriculture;
- (f) one representative from the ministry responsible for environment;
- (g) the principal accountant in the ministry; and
- (h) one accountant from the ministry responsible for finance.

(3) The Minister may, where he considers it necessary to do so, co-opt not more than two officers to sit on the Committee.

(4) The members referred to in paragraph (c), inclusive, and (g) and (h)

of sub-regulation (2) shall be nominated by the minister or sections that they represent.

(5) There shall be a Secretary to the fund who shall be appointed by the Minister.

**4.** (1) Any Council wishing to apply for disbursement of funds from the Fund to develop any area in its locality may apply to the Secretary for money to develop that area:

Application for disbursement of funds

Provided that the funds from the Fund shall only be used to carry out development which the private sector cannot provide.

(2) The application referred to in sub-regulation (1) shall be in writing and shall contain the following particulars:

- (a) the development proposal in detail;
- (b) the name of the town and province for which the development proposal is to be implemented;
- (c) the estimated cost of the development that the Council wishes to undertake;
- (d) a diagram or sketch plan showing the location and hectarage of the parcel of land that is the subject of the development proposal;
- (e) a plan of implentation of the development proposal; and
- (f) a plan of the future operation and maintenance of the development and how the development will be financed.

**5.** (1) The Chairperson shall, within thirty days of receipt of an application by the Secretary in accordance with regulation 4, call a meeting to consider the application.

Determination of applications

(2) The Committte shall decide-

- (a) whether the Council's development proposal is acceptable and feasible;
- (b) whether the development proposal requires amendment before submission to the Minister;
- (c) whether the development proposal justifies funds being requested;
- (d) whether the funds being requested may be released as a lump sum or in instalments; and
- (e) the possible time within which the development proposal will be implemented.

(3) Where the Committee finds that the development proposal is feasible and acceptable, the Committee shall recommend to the Minister for a disbursement of funds and shall include in the recommendation-

- (a) the name of the Council requesting the disbursement;
- (b) the development proposal;
- (c) the amount of money required;
- (d) the Committee's finding.

(4) The Minister may, in considering the recommendation of the Committee-

- (a) accept the recommendation; or
- (b) reject the recommendation.

(5) Where the Minister-

- (a) accepts the Committee's recommendation under sub-regulation (4), the Minister shall immediately inform the Secretary, in

- writing, and shall in consultation with the Minister responsible for finance, release the money to the Council concerned; or
- (b) rejects the Committee's recommendation, the Minister shall immediately inform the Secretary, in writing.
- (6) The Secretary shall, within seven days of the decision by the Minister inform, in writing, the Council concerned of that decision.
- 6.** Disbursement of funds to the Council from the Fund shall be by way of cheque or bank transfer. Disbursement of funds to Council
- 7.** (1) A Council to which funds from the Fund have been disbursed in accordance with regulation 6, shall immediately open a separate bank account at a bank of its own choice, where only money transferred from the Fund shall be kept. Banking of funds
- (2) The account referred to in sub-regulation (1) shall be called a "Lands Development Fund Account" and shall bear the name of the Council that opens the account.
- 8.** (1) The Council to which the funds are disbursed shall, every three months, and at the end of the implementation of the proposed development, present a report to the Secretary concerning the proposed project. Accounting
- (2) The report referred to in sub-section (1) shall include-
- (a) a statement showing income and expenditure;
- (b) a statement as to whether more funds are required; and
- (c) a forecast of future requirements.
- 9.** The Fund shall be audited every year. Auditing of Fund

## **PART III**

### **MISCELLANEOUS**

- 10.** The Committee shall be responsible for the monitoring and evaluation of the use of the moneys of the Fund. Monitoring of use of the Fund
- 11.** Where there is evidence of misuse or misappropriation of funds by the Council, the Committee may recommend to the Minister that-
- (a) the Bank Account of the Council be frozen pending investigation;
  - (b) the ministry responsible for finance discontinues to release more funds to the Council until a report is submitted; and
  - (c) criminal proceedings by the State be instituted against the individual identified as being responsible for the misuse or misappropriation of the funds. Misuse or misappropriation of funds by Council
- 12.** A person who misuses or misappropriates any funds from the Fund shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding two thousand, seven hundred and seventy-eight penalty units, or to imprisonment for a period not exceeding three months, or to both. Offences and penalties