

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 77 OF 2017

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

**The National Markets and Bus Stations Development
Fund Regulations, 2017**

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IN EXERCISE of the powers contained in section 32 of the Markets and Bus Stations Act, the following Regulations are made: Act. No. 7, 2007

PART I

PRELIMINARY PROVISIONS

- | | |
|--|---|
| <p>1. These Regulations may cited as the National Markets and Bus Stations Development Fund Regulations, 2017.</p> | Title |
| <p>2. In these regulations, unless the context otherwise requires—</p> <p>“associate” has the meaning assigned to the word in the Anti-Corruption, 2012;</p> <p>“bus station” has the meaning assigned to the word in the Act;</p> <p>“Committee” means the Markets and Bus Stations Committee established under regulation 8;</p> <p>“development project” includes any proposal, scheme or design of a project intended for the improvement of an existing market, bus station or new bus station;</p> <p>“Fund” means the National Market and Bus Station Development Fund established under regulation 3;</p> <p>“local authority” has the meaning assigned to the words in the Act;</p> <p>“management board” has the meaning assigned to the words in the Act;</p> <p>“market” has the meaning assigned to the word in the Act;</p> <p>“Principle Infrastructure Development Officer” means a person appointed as such under regulation 8;</p> <p>“relative” has the meaning assigned to the word in the Anti-Corruption Act; and</p> <p>“stallage” means the rental, taxation or fees charged for the holding of a stall in a market.</p> | <p>Interpretation</p> <p>Act No. 3 of 2012</p> <p>Act No. 3 of 2012</p> |

PART II

THE NATIONAL MARKET AND BUS STATION DEVELOPMENT FUND

- | | |
|--|--|
| <p>3. (1) There is established the National Markets and Bus Stations Development Fund.</p> <p>(2) The Fund shall consist of—</p> <p>(a) such monies as may be appropriated by Parliament for the purpose of the Markets and Bus Stations Development Fund;</p> | <p>Establishment of National Markets and Bus Stations Development Fund</p> |
|--|--|

	<p>(b) the proportion of thirty per centum applied to the markets and bus stations licenses, charges, fees, stallages and levies for the purpose of operating in a market, bus station or market street; and</p> <p>(c) such monies as may be paid to the Fund by way of loans, grants or donations.</p>
Purpose of application for fund by local authority or management board	<p>4. A local authority or management board may apply for funds for the purposes of—</p> <p>(a) construction, maintenance and rehabilitation of markets and bus stations projects;</p> <p>(b) capacity building in management of markets and bus stations; and</p> <p>(c) other activities related to markets and bus stations as approved by the Minister.</p>
Accounts and audit	<p>5. (1) The Committee shall ensure that prudent controls are established for the Fund relating to—</p> <p>(a) fiscal controls and accounting procedures governing the Fund; and</p> <p>(b) reporting procedures for matters relating to the Fund.</p> <p>(2) The Committee shall cause to be kept proper books of accounts and other records relating to the accounts of the Fund.</p> <p>(3) The Fund shall be audited annually by the Auditor-General.</p> <p>(4) The Auditor-General's fees shall be paid by the Ministry responsible for local government.</p>
Fund account	<p>6. The Committee shall open and operate an account for purposes of the Fund at such commercial bank as the Committee may determine, in which the money received for the purposes of the Fund shall be deposited and kept.</p>
Disbursement from Fund	<p>7. (1) Where the Committee approves the funding of a project, there shall be paid from the Fund—</p> <p>(a) the amount of claims on a contract entered into between a local authority or management board; and</p> <p>(b) any other expenses incurred in relation to the execution of the contract.</p> <p>(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 lawfully adjudged to be due to the local authority or management board for the purpose of a projec</p>

PART III

ADMINISTRATION OF FUND

8. (1) There is established a Markets and Bus Stations Committee which is responsible for administration of the Fund.

Establishment
of the
Markets and
Bus Stations
Committee

(2) The Committee consists the following part-time members appointed by the Minister:

- (a) the Permanent Secretary, as Chairperson;
- (b) the Director responsible for Housing and Infrastructure Department, as Vice-Chairperson;
- (c) The Director responsible for Local Government Administration;
- (d) Chief Accountant for the ministry responsible for Local Government;
- (e) the representative for the ministry responsible for Finance;
- (f) the representative of the Attorney-General;
- (g) the representative of the Local Authorities appointed;
- (h) the representative from the Ministry responsible for Transport;
- (i) the representative of the Zambia Chamber of Commerce and Industry; and
- (j) the Principle Infrastructure Development Officer as Secretary.

(3) The functions of the Committee are to—

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

Tenure of
Office and
vacancy

9. (1) Subject to the other provisions of these Regulations, a member of the Committee, other than the members referred to in Regulation 8 (2) (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) 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) upon the expiry of one month's notice of the member, in writing, to the Minister;
- (e) if the member becomes mentally incapable of performing duties as a member; 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.

Filling of
casual
vacancy

10. 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.

Proceedings
of
Committee

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

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

(3) The Chairperson may, upon giving notice of not less than fourteen days, call a meeting of the Committee and shall call a special meeting to be held within fourteen days of receipt of a written request to the Chairperson by at least five members of the Committee.

(4) If the urgency of any particular matter does not permit the giving of such notice as is required under subsection (3), a special meeting may be called by the Chairperson, upon giving a shorter notice.

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

(6) There shall preside at any 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.

(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 such 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.

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

Sub-
committees

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

(3) A person serving as a member of a sub-committee shall hold office for such period as 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 shall keep the Committee informed of its activities.

(6) Meetings of a sub-committee shall be held at such times as the Committee may determine or direct.

Disclosure
of Interest

13. (1) A person who is present at a meeting of the Committee or any 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 such 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.

Prohibition
of
publication
or disclosure
of
information
to
unauthorised
person

14. A person shall not, without the consent, in writing, given by or on behalf of the Committee, publish or disclose to an unauthorised person, otherwise than in the course of duties of that person, the contents of a 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 these Regulations.

Immunity

15. An action or other proceeding shall not lie or be instituted against a member of the Committee or a member of a sub-committee in respect of an act or thing done or omitted to be done in good faith in the exercise or performance, of any of the powers, functions or duties conferred under these Regulations.

PART IV

APPLICATION FOR MARKET OR BUS STATION FUND

Application
for Market
or Bus
Station Fund

16. (1) A local authority that intends to embark on a development project in relation to a market or bus station may apply to the Permanent Secretary for funding in Form I set out in the Schedule.

(2) A management board that intends to embark on a development project in relation to a market or bus station may 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.

Determination
of
application

17. (1) The Committee shall within thirty days of receipt of application in Regulation 14 grant the application in Form II set out in the Schedule.

(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; and
- (c) the proposed development justifies funds being requested.

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

18. The Secretary shall within fourteen days of the decision by the Committee, inform the applicant in writing, of the decision. Decision by Committee

19. (1) Where the costs of a project exceed the amount approved by the Committee, a local authority or management board may apply to the Principal Infrastructure Development Officer for variation of the amount in Form IV set out in the Schedule. Variation of funds

(2) The Committee shall within thirty days of receipt of an application under sub-regulation (1), grant the application in Form V set out in the Schedule.

(3) The Committee shall, in deciding whether to grant or reject the application, consider if not doing so—

- (a) would affect the functionality of the development; and
- (b) would compromise the health and safety aspect of the development.

(4) Where the proposed variation does not meet the requirements under sub-regulation (3), the Committee shall reject the application and notify the applicant giving reasons for the rejection in Form VI set out in the Schedule.

20. 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. Progress Report

21. The Markets and Bus Stations Unit shall be responsible for the monitoring and evaluation of all approved projects and the use of the monies of the fund. Monitoring and Evaluation

PART V

GENERAL PROVISIONS

22. (1) The Committee shall, but not later than ninety days after the end of the financial year, submit to the Minister a report concerning its activities during the financial year. Annual report

(2) The report referred to in subsection (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) 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 receipt of the report referred to in subsection (1), lay the report before the National Assembly.

FIRST SCHEDULE
(Regulations 16(1) and (2))

Form I
(Regulation 16(1) and (2))
(To be completed in triplicate)



REPUBLIC OF ZAMBIA

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

The National Markets and Bus Stations Development Fund Regulations, 2017

APPLICATION FOR MARKET AND BUS STATIONS DEVELOPMENT FUND				
Please write in BLOCK LETTERS		Shaded fields for official use only	Authorisation Code	
			Date of submission	
<i>Information Required</i>		<i>Information Provided</i>		
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)			
6.	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			
<p>DECLARATION</p> <p>I declare that the information I have stated is correct and truthful to the best of my knowledge and belief.</p> <p>.....</p> <p align="center"><i>Applicant/Authorised Representative (Name)</i></p> <p align="center">.....</p> <p align="center"><i>Signature</i></p> <p align="center">.....</p> <p align="center"><i>Date</i></p>				

FOR OFFICIAL USE ONLY

Received by:
(Officer)

Variation Amount authorised: ZMW

Receipt No.:

Serial No. of Application:

OFFICIAL
STAMP

Form II
(Regulation 17 (1))



REPUBLIC OF ZAMBIA

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

**The National Markets and Bus Stations Development Fund
Regulations, 2017**

LETTER OF OFFER

(1) Here
insert the full
names and
address of
the applicant

To (1)

(2)

Here insert
the reference
No. of the
application
type of
application

.....
(Application reference)

notified that your application/in respect of the application for.....
has been accepted on following conditions*(a)

(b)

(c)

(d)

Within.....days. If you fail to furnish the requested information within
the stipulated period, your application will be treated as invalid and shall be
rejected.

Dated this.....day of....., 20.....

(3) *Signature
of the
Director*

(3)
*Signature of Secretary**

Form III
(Regulations 17 (3))



REPUBLIC OF ZAMBIA

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

**The National Markets and Bus Stations Development Fund
Regulations, 2017**

NOTICE OF REJECTION OF APPLICATION

(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 application for (3).....has been rejected
on the following grounds:(a)

(b).....

(c).....

(d).....

Dated this day of, 20.....

(4) *Signature
of the
Secretary*

(4)
Secretary

Form I
(Regulation 19 and (1))
(To be completed in triplicate)

REPUBLIC OF ZAMBIA

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

The National Markets and Bus Stations Development Fund Regulations, 2017

APPLICATION FOR VARIATION OF BUS STATIONS DEVELOPMENT FUND GRANT				
Please write in BLOCK LETTERS		Shaded fields for official use only	Authorisation Code	
			Date of submission	
<i>Information Required</i>		<i>Information Provided</i>		
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		

<p>DECLARATION</p> <p>I declare that the information I have stated is correct and truthful to the best of my knowledge and belief.</p> <p>.....</p> <p style="text-align: center;"><i>Applicant/Authorised Representative (Name)</i></p>	<p>.....</p> <p style="text-align: center;"><i>Signature</i></p> <p>.....</p> <p style="text-align: center;"><i>Date</i></p>
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FOR OFFICIAL USE ONLY

Received by:

(Officer)

Variation Amount authorised: ZMW

Receipt No.:

Serial No. of Application:

**OFFICIAL
STAMP**

Form V
(Regulation 19 (2))



REPUBLIC OF ZAMBIA

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

**The National Markets and Bus Stations Development Fund
Regulations, 2017**

NOTICE OF APPROVAL 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 on the following grounds:*

(a)
(b)
(c)
(d)

Dated this..... day of, 20.....

(4) *Signature
of the
Secretary*

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

* Attach brief if necessary

Form VI
(Regulations 19 (4))



REPUBLIC OF ZAMBIA

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

**The National Markets and Bus Stations Development Fund
Regulations, 2017**

NOTICE OF REJECTION OF VARIATION

(1) Here
insert the
full names
and
addresses 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 application for (3)has been
approved on the following *conditions:(a)

(b)

(c)

(d)

Dated this.....day of20.....

(4) Signature
of Secretary

(4).....
Secretary

LUSAKA

1st December, 2017
[MLGH.101/18/94]

V. MWALE,
Minister of Local Government