REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON THE LANDS (AMENDMENT) BILL N.A.B. NO. 44 OF 2010 FOR THE FIFTH SESSION OF THE TENTH NATIONAL ASSEMBLY

Consisting of:

Mr C K Banda, SC, MP (Chairperson); Mr G B Mwamba, MP; Ms J M Limata, MP; Major R M Chizhyuka, MP; Mr C M Silavwe, MP; Rev G Z Nyirongo, MP; Mr J K Zulu, MP; and Mr J Shakafuswa, MP

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Sir,

Your Committee has the honour to present its report on the Lands (Amendment) Bill, N.A.B. No. 44 of 2010 referred to it by the House on 24 September, 2010.

Functions of the Committee

2. In addition to any other duties assigned by the Honourable Mr Speaker, or any other order of the House, your Committee is mandated to consider any Bill that may be referred to it by the House.

Meetings of the Committee

3. Your Committee held seven meetings to consider the Lands (Amendment) Bill N.A.B No. 44 of 2010.

Procedure Adopted by the Committee

4. In order to acquaint itself with the Bill, your Committee sought both written and oral submissions from various stakeholders.

Objectives of the Lands (Amendment) Bill N.A.B. No. 44 of 2010

5. The objective of the Bill is to amend the Lands Act Chapter 184 of the Laws of Zambia so as to:-

(a) repeal the provisions relating to the Lands Tribunal, and
(b) provide for matters connected with, or incidental to the foregoing.

Background

6. The Lands Tribunal is currently established under the Lands Act Chapter 184 of the Laws of Zambia. Following proposals to have the Tribunal continue under its own enabling law, it is inevitable that the aspects that refer to the Lands Tribunal under the Lands Act, should be repealed in view of the proposed Lands Tribunal Bill, 2010. The passage of the Bill will therefore bring the principal Act in conformity with the proposed Lands Tribunal Act, 2010.

Salient features of the Bill

7. The salient features of the Bill are as set out hereunder.

Clause 2 of the Bill intends to amend the Lands Act by the amendment of Section 2. The amendment has the effect of removing the establishment of the Tribunal under the Lands Act as this will be provided under the proposed Lands Tribunal Act, 2010.
Clause 3 intends to amend Section 15 of the Principal Act so as to continue the existence of the Tribunal under the Lands Tribunal Act, 2010.

The amendment also extends the meaning of a "person in authority" to include Chiefs and Council Registrars.

Clause 4 repeals part IV of the Principal Act which deals with establishment, constitution, jurisdiction and proceedings of the Tribunal as these matters will be dealt with under the proposed Lands Tribunal Act, 2010.

Submissions by Stakeholders

8. The stakeholders who appeared before your Committee were unanimous in submitting that the amendments were consequential to re-align the Lands Act with the proposed Lands Tribunal Legislation.

Committee's Observations and Recommendations

9. Your Committee notes the objective of the Bill, and offers no objections and supports the proposed amendments.

Conclusion

10. Your Committee wishes to pay tribute to all stakeholders who appeared before it and tendered both oral and written submissions. Your Committee also wishes to thank you, Mr Speaker, for the opportunity to study the Bill. Your Committee is also indebted to the office of the Clerk of the National Assembly for the services provided.

We have the honour to be, Sir, your Committee on Delegated Legislation mandated to consider the Lands (Amendment) Bill N.A.B. No. 44 of 2010.

Mr C K Banda, SC, MP
(Chairperson)

Mr G B Mwamba, MP
(Member)

Ms J M Limata, MP
(Member)

Major R M Chizhyuka, MP
(Member)

Mr C M Silavwe, MP
(Member)

Rev G Z Nyirongo, MP
(Member)

Mr J K Zulu, MP
(Member)

Mr J Shakafuswa, MP
(Member)

October 2010
LUSAKA

Mr C K Banda, SC, MP
CHAIRPERSON

Appendix I
List of Officials
National Assembly

Mr S M Kateule, Principal Clerk of Committees
Mr G Lungu, Deputy Principal Clerk of Committees
Mr S C Kawimbe, Committee Clerk (SC)
Mr G Zulu, Assistant Committee Clerk
Mrs C K Mumba, Assistant Committee Clerk
Ms S Mwale, Stenographer
Mr C Bulaya, Committee Assistant
Mr S Likunyendo, Parliamentary Messenger

Appendix II
List of Witnesses

Mr M Musonda (immediate past Chairman of the Lands Tribunal)

Professor M P Mvunga, SC, Private Legal Practitioner

MINISTRY OF JUSTICE

Mrs P Jere, Chief Parliamentary Counsel

LANDS TRIBUNAL

Mr A G Chimulu, Acting Registrar

ZAMBIA LAND ALLIANCE

Mr K Chitule, Information Officer
Mr R Chikwampa, Network Liaison Officer

ASSOCIATION FOR LAND DEVELOPMENT

Mr A Mutale, Chairperson
Mr M Katati, Committee Member

UNIVERSITY OF ZAMBIA

Mrs A C Chanda, Acting Dean, School of Law

LAW ASSOCIATION OF ZAMBIA

Mr C H Chimuka, Convenor – Committee on Conveyancing
Mr F Kachamba, Committee Member

MINISTRY OF LOCAL GOVERNMENT AND HOUSING

Mr B B Chirwa, Acting Permanent Secretary
Mr J Jumba, Acting Director – GUD
Mr J Chulu, Parliamentary Liaison Officer

MINISTRY OF LANDS

Mrs M M Yeta, Permanent Secretary
Mr B Mulenga, Commissioner of Lands
Mr M B Goma, Director Human Resource and Administration
Mr M Khunga, Acting Chief Registrar
Mr D Mubanga, Surveyor-General
Mr K Soko, Senior Planner