

ACT

No. 69 of 1965.

I hereby signify my assent to the Bill.

Signed..... [Signature]

President.

Date of Assent: 15/10/65

An Act to provide for the establishment of authorities for the purpose of local government and to define certain of their functions; to repeal or amend certain enactments relating to local authorities; and to provide for matters incidental to or connected with the foregoing.

ENACTED by the Parliament of Zambia.

Enactment

PART I.

PRELIMINARY.

1. This Act may be cited as the Local Government Act, 1965, and shall come into operation on such date as the President may, by order, appoint.

Short title and commencement

2. In this Act, unless the context otherwise requires—

Interpretation

“ area ” in relation to a council, means the municipality, township or rural area, as the case may be, for which the council has been established, or deemed to have been established, under this Act;

“ building ” includes any structure, whether of a permanent or temporary nature, and a part of a building or structure;

“ committee ” means a committee of a council;

“ control ” includes regulate, inspect, supervise and license;

“ council ” means a municipal council, township council or rural council;

“ councillor ” means a person elected or appointed or deemed to have been elected or appointed under this Act as a councillor of a council;

“ employee ”, in relation to a council, has the meaning assigned thereto by section two of the Local Government (Officers) Ordinance;

“ erection ”, in relation to a building, includes the alteration or enlargement of a building;

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- (d) the employment of any person who, immediately before the commencement of this Act, was an officer or employee of the Broken Hill Mine Township Management Board.

Special provision with respect to Barotseland

113. The provisions of this Act shall apply in Barotseland and the powers contained herein may be exercised in relation to Barotseland, notwithstanding anything to the contrary contained in any other written law or in the Barotseland Agreement, 1964.

Establishment of Barotseland Local Government Fund and savings with respect to Barotseland

114. (1) There is hereby established a Fund to be called the Barotseland Local Government Fund.

(2) The Fund shall consist of—

- (a) all moneys and other assets received by a native authority on its own behalf and standing immediately before the commencement of this Act to the credit of the native authority in a native treasury;
- (b) all moneys and other assets held on behalf of or in trust for a native authority and which such native authority receives or is entitled to receive on its own behalf;
- (c) the proceeds, less any costs incurred in settling or realising the assets, arising from the sale or realisation of any assets forming part of the Fund; and
- (d) any moneys or other assets which vest in or accrue to the Fund in the course of the operation of the Fund, or otherwise, or which are paid to the Minister in pursuance of the provisions of subsection (7).

(3) The purposes of the Fund shall be to assist the development of local government in Barotseland.

(4) The management of the Fund shall be in the Minister who may—

- (a) apportion and distribute amongst the councils established for Barotseland the moneys and other assets standing to the credit of the Fund;
- (b) authorise payments to be made in defending, settling or satisfying any claim made pursuant to the provisions of subsection (7);
- (c) take such steps as may be necessary to collect any moneys or other assets belonging or payable to the Fund;
- (d) where he considers it necessary or desirable so to do, sell or otherwise realise any assets forming part of the Fund;
- (e) take such other steps as may be necessary to carry out the purposes of the Fund.

(5) In apportioning and distributing moneys and other assets pursuant to the provisions of paragraph (a) of subsection (4) the Minister shall endeavour to make an equitable apportionment and distribution having regard to the population in the area of each council.

(6) Where any written law provides for the payment to a native authority or into a native treasury of any moneys or other assets such moneys or other assets shall, so long as the written law provides as aforesaid, be paid into the Fund.

(7) Moneys or other assets due to be paid on or after the commencement of this Act by or to a native authority on its own behalf, or by or to a native treasury, shall be paid by or to the Minister; and any right of action in contract or tort in respect of any such moneys or assets may be prosecuted by or against the Minister.

(8) In any action brought in pursuance of the provisions of subsection (7) any defence which would have been available to or against the native authority concerned shall be available to or against the Minister.

(9) Where the Minister is satisfied that he has completed the performance of the functions referred to in subsection (4) and made any other arrangements necessary for bringing the Fund to an end, he shall so certify, and thereupon the Fund shall cease to exist.

(10) The Minister shall cause to be prepared and shall lay before the National Assembly not later than six months after the Fund has ceased to exist a financial report in respect of the Fund; the financial report shall include accounts showing the moneys and other assets paid into or out of the Fund, and such other information as the Minister may deem necessary to show how the Fund has been managed.

(11) In this section, unless the context otherwise requires—

“ Fund ” means the Barotse Land Local Government Fund;

“ native authority ” means a native authority which, immediately before the commencement of this Act, was declared or recognised as such under the Barotse Native Authority Ordinance;

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“ native treasury ” means a native treasury which, immediately before the commencement of this Act, was established under section *fourteen* of the Barotse Native Authority Ordinance.

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115. (1) The following written laws are hereby repealed:

Repeals and amendments

(a) the Local Government (Elections) Ordinance, together with any statutory instrument made and in force thereunder;

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(b) the Native Authority Ordinance;

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(c) the Barotse Native Authority Ordinance.

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