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REPUBLIC OF ZAMBIA

MINISTRY OF LOCAL GOVERNMENT AND HOUSING

P.O. BOX 50027
15101 RIDGEWAY
LUSAKA

October 12, 2015

All Town Clerks and Council Secretaries
City, Municipal and District Councils
REPUBLIC OF ZAMBIA

RE: LAND ADMINISTRATION AND ALLOCATION
CIRCULAR NO.1 OF 2015

In line with Administrative Circular No. 1 of 1985 issued by the Ministry of Lands and Natural Resources **all Councils shall adhere to the following steps in allocating land to the applicants or developers:-**

1. All Councils as Planning Authorities must prepare layout plans for the land to be issued to the Public.

2. Upon adoption of the layout plans by the full Council, the Principal **Officer** shall submit the layout plans to the Surveyor General at the Ministry of Land and Natural Resources for surveying and numbering of plots/stands.

3. After the numbering of plots/stands by the Surveyor General's office all available stands/plots shall be advertised by the respective Councils to invite applications from members of the public. The Principal Officer shall ensure that the advert runs for **not less than three times once a week in the National Print Media** before the deadline for receipt of applications on the specified annexure forms.

4. Upon receipt of applications by the Council, an Evaluation /Interviewing Committee shall be set by the Council to evaluate and select suitable applicants for the stands/plots. The evaluation report from the interviewing committee shall be submitted to the Council for

approval. Further, guidelines on the Composition of the Evaluation/Interviewing Committee is provided in Appendix I (attached hereto). The evaluation criterial to assess the suitability for allocation of stand/plot shall be as show in appendix II (attached hereto)

5. Upon Council approval of the recommendations, the Principal Officer shall submit the recommendation to the Commissioner of Lands with a copy to the recommended applicant. In addition the Principal Officer shall publish the names of the recommended applicants in the National Print Media.

All Councils are directed to adhere to these guideline regardless of the number of stand/plots involved.

Eng. Misheck Lungu
Permanent Secretary
MINISTER OF LOCAL GOVERNMENT AND HOUSING

cc. Hon. Minister of Local Government and Housing, **LUSAKA**

cc. All Provincial Local Government Officers

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APPENDIX I

COMPOSITION OF THE EVALUATION COMMITTEE (INTERVIEWING COMMITTEE)

1. Director Planning /Works
2. Plans Works and Development Committee
3. District Administrative Officer
4. District Agriculture Coordinating Officer
5. Anti-Corruption Commission
6. Police
7. Drug Enforcement Commission – Anti Money Laundering Unit
8. Two Members from Civil Society organization involved in land matter in the respective districts.

Administrative Circular No 1, 1985

PROCEDURE ON ALIENATION

INTRODUCTION

This Circular is intended to lay down general policy guidelines regarding the procedure all District Councils are expected to follow in the administration and allocation of land.

2. Your attention is drawn to the fact that all land in Zambia is vested absolutely in His Excellency the President who holds it in perpetuity for and on behalf of the people of Zambia. The powers of His Excellency the President to administer land are spelt out in the various legislations some of which are; The Zambia (State Land and Reserves) Orders, 1928 to 1964, the Zambia (Trust Land) Orders, 1947 to 1964, the Zambia (Gwembe District) Orders, 1959 and 1964 and the Land (Conversion of Titles) Act No. 20 of 1975 as amended. His Excellency the President has delegated the day-to-day administration of land matters to the public officer for the time being holding the office or executing the duties of Commissioner of Lands. Under Statutory Instrument No. 7 of 1964 and Gazette Notice No. 1345 of 1975, the Commissioner of Lands is empowered by the President to make grants or dispositions of land to any person subject to the special or general directions of the Minister responsible for land matters.

3. Pursuant to the policy of decentralisation and the principle of participatory democracy it was decided that District Councils should participate in the administration of land. To this effect, all District Councils will be responsible, for and on behalf of the Commissioner of Lands, in the processing of applications, selecting of suitable candidates and making recommendations as may be decided upon by them. Such recommendations will be invariably accepted unless in cases where it becomes apparent that doing so would cause injustice to others or if a recommendation so made is contrary to national interest or public policy.

4. Accordingly, the following procedures have been laid down and it will be appreciated if you shall ensure that the provisions of this Circular are strictly adhered to.

A. PREPARATION OF LAYOUT PLANS

(i) The planning of stands for various uses is the responsibility of the appropriate planning authority of the area concerned. Once a chosen area has been properly planned, the planning authority shall forward the approved layout plans to the Commissioner of Lands for scrutiny as to the availability of the land.

(ii) Upon being satisfied that the layout plans are in order, the Commissioner of Lands shall request the Surveyor-General to number and survey (or authorise private survey) the stands.

(iii) Thereafter, a copy of the layout plan showing the order of numbering, shall be sent back to the District Council and the planning authority concerned.

B. ALLOCATION OF STANDS

(i) Stands recommended for allocation to the Commissioner of Lands will be assumed to have been fully serviced by the District Council concerned. If the stands are not serviced, the District Council shall give reasons for its inability to provide the necessary services before the recommendations can be considered.

(ii) Before stands are recommended, the District Council concerned may advertise them in the national press inviting prospective developers to make applications to the District Council in the form appended hereto and numbered as Annexure A.

(iii) On receipt of the applications the District Council concerned shall proceed to select the most suitable applicants for the stands and make its recommendations in writing to the Commissioner of Lands giving reasons in support of the recommendations in any case where there may have been more than one applicant for any particular stand, or where an applicant is recommended for more than one stand.

(iv) On receipt of the recommendation(s) from the District Council(s), the Commissioner of Lands shall consider such recommendation(s) and may make offer(s) to the successful applicant(s), sending copies of such offer(s) to the District Council(s) concerned.

(v) Where the District Council is not the planning authority, an applicant whose recommendation has been approved by the Commissioner of Lands shall be directed, in a letter of offer in principle, to apply for and obtain planning permission from the relevant planning authority before a lease can be granted.

(vi) If the District Council is aggrieved by the decision of the Commissioner of Lands, the matter shall be referred to the Minister of Lands and Natural Resources within a period of thirty days from the date the decision of the Commissioner of Lands is known, who will consider and decide on the appeal. The Minister's decision on such an appeal shall be final.

(vii) No District Council shall have authority in any case to permit, authorise or suffer to permit or authorise any intending developer to enter upon or occupy any stand unless and until such developer shall have first received the letter of offer, paid lease fees and the development charges, and has obtained planning permission from the relevant planning authority.

(viii) Prior to the preparation of the direct lease, the District Council concerned shall inform the Commissioner of Lands the minimum building clause to be inserted in the lease.

(ix) Prompt written notification of the relevant particulars upon the issue of a certificate of title shall be given by the Commissioner of Lands to the District Council concerned.

C. UNSCHEDULED AGRICULTURAL LANDS

(i) Any State Land required for agricultural use shall be notified to the Commissioner of Lands so that its status and availability can be determined. Once the Commissioner of Lands is satisfied that the land in question is available the Department of Agriculture in consultation with the District Council shall be requested to plan the area into suitable agricultural units. The layout plans duly approved by both the Department of Agriculture and the District Council concerned shall be submitted to the Commissioner of Lands for survey and numbering.

(ii) Once the District Council is in possession of information from the Commissioner of Lands regarding the numbered farms or

small-holdings the procedure outlined in paragraph 4B(ii) (iii) (iv) and (vi) above shall apply. And the application form to be completed by the applicants shall be as per Annexure 'C'.

(iii) No District Council shall have authority in any case to permit, authorise, or suffer to permit, or authorise any intending developer, to enter upon or occupy any agricultural farm or small-holding unless and until such developer shall have first received the letter of offer and has paid the lease fees.

D. RESERVES AND TRUST LANDS

(i) In the Reserves and Trust Lands, the powers of the President, in making grants or dispositions of land, are limited by the requirement to consult the local authorities affected by such grants or dispositions of land.

(ii) Local authority, in the Orders, has been administratively understood to mean the Chief and the District council. This means, therefore, that the consents of the Chiefs and District Councils shall continue to be the basis for any approval of applications for land in the Reserves and Trust Lands.

(iii) As has been the practice before, to ensure that a local authority has been consulted, the Commissioner of Lands will insist that each recommendation is accompanied by the following:

(a) written consent of the chief under his hand;

(b) extracts of the minutes of the Committee of the Council responsible for land matters embodying the relevant resolution and showing who attended, duly authenticated by the Chairman of the Council and the District Executive Secretary;

(c) extracts of the minutes of the full Council with the relevant resolution and showing who attended, duly authenticated by the Chairman of the Council and the District Executive Secretary.

(d) four copies of the approved layout plan showing the site applied for, duly endorsed and stamped by the Chief, Chairman of the Council and the District Executive Secretary.

(iv) The preparation of the layout plan showing the area applied for, should be done by persons possessed with the cartographic know-how. At Annexure 'B' of this circular is a model layout plan which provides the necessary details for an acceptable layout plan.

(v) It has been decided, for the time being, not to allocate more than 250 hectares of land for farming purposes in the Reserves and Trust Land areas. The District Councils are, therefore, advised not to recommend alienation of land on title in such areas in excess of 250 (two hundred and fifty) hectares as such recommendations would be difficult to consider.

(vi) In each case recommended to the Commissioner of Lands, the recommending authority shall certify that it has physically inspected the land applied for and confirm that settlements and other persons' interests and rights have not been affected by the approval of the application.

E. APPLICATION FOR LAND BY NON-ZAMBIANS

(i) You are now aware that under the Land (Conversion of Titles) (Amendment) (No. 2) Act of 1985 no land can be alienated to a person who is not a Zambia. However, under the same Amendment, a non-Zambian can be granted a piece of land if his application has been approved in writing by His Excellency the President.

(ii) To obtain the approval of His Excellency the President, a non-Zambian wishing to own a piece of land will be required, in the first place, to submit his application to the District Council concerned for scrutiny. In considering the application, the District council will be at liberty to solicit for as much information as possibly from the applicant about the intended development.

(iii) When recommending the application to the Commissioner of Lands, the District Council shall be required to give full back-up information in support of or against the applicant in addition to the following:

(a) extracts of the minutes of the Committee of the Council responsible for land matters, embodying the relevant

resolution and showing who attended the meeting duly authenticated by the Chairman of the Council and the District Executive Secretary;

(b) extracts of the minutes of the full Council, with the relevant resolution and showing who attended the meeting, duly authenticated by the Chairman of the Council and the District Executive Secretary; and

(c) four copies of the approved layout plan, showing the site applied for, duly stamped and endorsed by the Chairman of the Council and the District Executive Secretary where the site has not been numbered.

5. *Consultations* – Development projects of great significance both to the district and the nation, shall be referred to the Provincial Authority for guidance before communicating the decision to the Commissioner of Lands.

6. *Decentralisation of Lands Department* – Necessary plans to further decentralise the various aspects of land administration and alienation to the Provincial Headquarters have been made. These plans will be operational as soon as funds are available.

7. *Reserved Powers* – The Minister responsible for lands shall have the right in any case or cases or with respect to any category or categories of land, to modify, vary, suspend or dispense with the procedure outline above or any aspect of same as he may see fit in the circumstances.

F. CHELA,
Minister of Lands and Natural Resources

cc The Rt Hon. Prime Minister
cc Hon. Chairman of the Rural Development Committee
cc Administrative Secretary, Freedom House
cc All Hon. Members of the Central Committee in charge of provinces.
cc Hon. Minister, Ministry of Decentralisation, Lusaka.
cc Hon. Minister, Ministry of Agriculture and Water Development, Lusaka.
cc Hon. Minister, Ministry of Legal Affairs, Lusaka.
cc All Chairmen of District Councils.