

Zambia

Air Passenger Service Charge Act, 1972 Chapter 450

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Zambia

Air Passenger Service Charge Act, 1972

Chapter 450

Commenced on 1 April 1972

[This is the version of this document at 31 December 1996.]

[11 of 1972; 1 of 1973; 2 of 1976; 5 of 1978; 3 of 1980; 6 of 1982; 3 of 1985; 5 of 1987; 12 of 1989; 16 of 1990; 13 of 1994]

An Act to impose a service charge upon air passengers.

1. Short title

This Act may be cited as the Air Passenger Service Charge Act.

[As amended by No. 5 of 1978]

2. Interpretation

In this Act, unless the context otherwise requires—

"**aircraft**" means a commercial aircraft carrying fare-paying passengers;

"**airport**" means an area of land or water affording facilities for the take-off and landing of aircraft and appointed by the Minister to be an airport for the purposes of this Act;

"**charge**" means the passenger service charge imposed under the provisions of section three;

"**collection agent**" means such person, or Department of the Government, as the Minister may, by statutory instrument, appoint in respect of any airport;

"**Company**" means the National Airports Corporation Limited, a company limited by shares and registered under the Companies Act;

"**designated airport**" shall have the meaning assigned to it under section two of the Aviation Act;

"**passenger**" does not include a member of the crew of the aircraft concerned, or of another aircraft owned, operated or managed by the same undertaking as owns, operates or manages the aircraft concerned, when on duty;

"**Permanent Secretary**" means the Permanent Secretary, Ministry of Finance.

[As amended by No. 3 of 1985 and No. 12 of 1989]

3. Imposition of passenger service charge

- (1) Subject to the provisions of section four, there shall be paid by every passenger on every occasion on which he embarks on an aircraft other than a designated airport at any airport for a destination outside Zambia, a passenger service charge at such rate as the Minister may by statutory instrument determine:

Provided that a passenger for a destination outside Zambia who is a national or resident of Zambia may pay the equivalent of the charge in kwacha.

- (2) The charge at an airport, other than a designated airport, shall be a debt due to the Government and shall be paid to the collection agent prior to embarkation.

- (3) Subject to section four there shall be paid by every passenger embarking on an aircraft at a designated airport for a destination outside or within Zambia a passenger service charge at such rates as the Company may determine.
- (4) The charge at designated airports shall be a debt due to the Company and shall be paid to the Company prior to embarkation.

[As amended by No. 1 of 1973, No. 2 of 1976, No. 5 of 1978, No. 3 of 1980, No. 3 of 1985, No. 5 of 1987, No. 12 of 1989 and No. 16 of 1990]

4. Exemption from charge

- (1) There shall be exempt from liability to pay the charge—
 - (a) the head of any mission of any Commonwealth country and such members of his staff as are entitled to diplomatic privileges;
 - (b) members of the diplomatic or permanent consular service of any foreign country;
 - (c) such members of the staff of any international organisation recognised as such under the laws of the Republic as are entitled to diplomatic privileges;
 - (d) any child under the age of two years;
 - (e) any passenger embarking at an airport at which he is in transit;
 - (f) such other class or classes of persons as the Minister may, by statutory instrument, approve.
- (2) Where any aircraft having taken off from an airport returns to the same or any other airport without completing its journey for reasons of bad weather, engine trouble or any other like cause, no charge shall be payable by any passenger who returns on board that aircraft and re-embarks on that or any other aircraft for resuming his discontinued journey.
- (3) For the purposes of subsection (1), a passenger is in transit at an airport if—
 - (a) he disembarks at such airport from one aircraft and re-embarks there on the same or another aircraft; and
 - (b) between so disembarking and re-embarking he does not leave the airport.

5. Collection and payment of charge

- (1) The collection agent shall collect the charge from all persons liable to pay it.
- (2) Where the collection agent fails or neglects to collect the charge from any person liable to pay the charge, the collection agent itself shall be liable for the charge in respect of that person.
- (3) The collection agent shall be paid commission on collection of the charge at such rate as may be determined by the Minister.
- (4) The collection agent shall, within thirty days of the last day of each calendar month—
 - (a) pay to the Permanent Secretary the amounts collected by way of charge, together with the amount for which the collection agent is liable under subsection (2) less the amount of commission due to it; and
 - (b) submit to the Permanent Secretary a return in such form as may be prescribed by regulations.
- (5) The Permanent Secretary or any public officer authorised by him under his hand may recover from the collection agent any amount due to the Government under the provisions of this section, together with costs of suit, in a subordinate court presided over by a senior resident magistrate.

- (6) A subordinate court presided over by a senior resident magistrate shall have the jurisdiction to hear and determine any suit under the provisions of subsection (5), notwithstanding that the value of the subject-matter of such suit exceeds the limit prescribed in relation to such court under the provisions of the Subordinate Courts Act or any other written law.

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- (7) All proceeds of the charge received or recovered by the Permanent Secretary or a public officer authorised by him shall be paid into the general revenues of the Republic.

[As amended by Act [No. 5 of 1978](#)]

6. Issue of receipt

- (1) The collection agent and every servant employed by it who collects the charge shall issue a receipt in the prescribed form to the person from whom the charge is collected.
- (2) The collection agent and any servant of the collection agent who collects the charge but who intentionally omits to issue a receipt as required by subsection (1) or in any manner delays or defers the issue thereof, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand penalty units or to imprisonment for a term not exceeding three months, or to both; and in any prosecution for an offence under this subsection, proof of the commission of any of the acts charged shall be *prima facie* evidence of the intent of the accused to commit such act.

[As amended by Act [No. 13 of 1994](#)]

7. Power of restraint or removal

Where any person liable to pay the charge refuses or neglects to pay the same, any police officer and any servant of the collection agent authorised by the collection agent in that behalf may—

- (a) restrain such person from embarking on an aircraft; or
- (b) if such person has embarked on an aircraft, require him to leave the aircraft, and, if such person fails to do so within a reasonable time, may remove him from the aircraft;

and, in restraining or removing any such person, such police officer or servant of the collection agent may use such force as may be reasonably necessary in the circumstances.

8. Inspection of books, etc.

The Auditor-General or any public officer authorised in that behalf by the Minister may enter upon the premises of the collection agent and may require any servant of the collection agent to produce all books, documents and records relating to the collection of the charge and may copy extracts therefrom.

9. Obstruction

Any person who obstructs or hinders a police officer or any servant of the collection agent in the exercise of his powers under section seven, or a public officer in the exercise of his powers under section eight, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two thousand penalty units or to imprisonment for a term not exceeding three months, or to both.

[As amended by Act [No. 13 of 1994](#)]

10. Regulations

The Minister may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act, and such regulations may prescribe a penalty not exceeding the penalties prescribed in section nine for the breach of any such regulations.