

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 25 OF 2004

The Local Government Act
(Laws, Volume 16, Cap. 281)

The Chipata Municipal Council (Earth Levy) By-laws, 2004

IN EXERCISE of the powers contained in sections *sixty-nine* and *seventy-six* of the Local Government Act, the following By-laws are hereby made:

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| 1. These By-laws may be cited as the Chipata Municipal Council (Earth Levy) By-laws, 2004. | Title |
| 2. In these By-laws, unless the context otherwise requires—
“area ” means the area under the jurisdiction of the Council;
“collector ” means any officer of the council authorised to collect revenue for the Council and includes any person or agent authorised by the Council to collect revenue for the Council;
“council ” means the Chipata Municipal Council; and
“earth ” means crushed stones, building sand and river sand. | Interpretation |
| 3. Any person who extracts or mines sand or stones for construction, within the area, shall pay to the Council an earth levy of two thousand kwacha per tonne on loading or leaving the place of extraction or mining of the sand or stone or of moulding the bricks. | Imposition of earth levy |
| 4. (1) A person shall not export from the area any sand, stones in respect of which earth levy has not been paid to the Council.
(2) No truck, lorry or other vehicle used to ferry, from the area, sand, stones or bricks shall be allowed to leave the area, without payment of earth levy to the Council. | No sale of earth without payment of earth levy |
| 5. (1) Earth levy shall become payable to the Council at the time of loading the sand, stone or bricks.
(2) The collector may examine the books of the company or agent for the purposes of calculating the earth levy. | Place and time for payment of earth levy |

(3) The collector shall, immediately after receiving the levy from the company issue an official receipt for each such payment.

Offences and penalties

6. (1) Any person who contravenes these by-laws commits an offence and shall be liable, upon conviction—

(a) in the case of the first offence, to a fine not exceeding eighty penalty units or to imprisonment for a period of not exceeding six months, or to both; and

(b) in the case of the second or subsequent offence, to a fine not exceeding sixty penalty units for every day during which the contravention continues.

(2) In addition to any penalty prescribed by sub by-law (1) the court may order that any expenses incurred by the Council in consequence of such contravention shall be paid by the company committing the contravention.

Made by the Chipata Municipal Council this 27th day of February, 2004.

P. T. CHIRWA,

Mayor,

Chipata Municipal Council

B. SIWAKWI,

Town Clerk,

Chipata Municipal Council

Confirmed by me this 1st day of March, 2004.

S. T. MASEBO,

*Minister of Local Government
and Housing*

LUSAKA

1st March, 2004

[MLGH.102/51/8]